

FORM 404
 MAIL TO
 DEPT. OF TAXATION
 P.O. BOX 2185
 RICHMOND, VA 23218-2185

**COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF TAXATION
 SOFT DRINK EXCISE TAX RETURN**



FOR THE CALENDAR YEAR _____ OR FISCAL TAXABLE YEAR BEGINNING _____ AND ENDING _____

NAME _____ (NAME AS SHOWN ON STATE INCOME TAX RETURN) Virginia Account Number _____

TRADING AS _____ (TRADE NAME IF DIFFERENT THAN ABOVE)

 (LOCATION OF PRINCIPAL OFFICE IN VIRGINIA)

ADDRESS _____ (NUMBER AND STREET OR RURAL ROUTE)

 (CITY OR TOWN) (STATE) (ZIP CODE)

1. Gross receipts from sales (total sales for entire business).....	_____	_____
2. Gross receipts not subject to tax (see instructions)		
(a) Gross receipts from sales other than carbonated soft drinks.....	_____	_____
(b) Soft drink receipts not subject to tax	_____	_____
3. Total (sum of line 2(a) and (b))	_____	_____
4. Soft drink receipts subject to tax (subtract line 3 from line 1).....	_____	_____
5. Tax due (see schedule of tax rates below)	_____	_____
6. Penalty (see instructions)	_____	_____
7. Interest (see instructions)	_____	_____
8. Total due (sum of lines 5, 6 and 7). This amount must be paid with return	_____	_____

**EFFECTIVE 7/1/02
 TAX RATE SCHEDULE**

(Rates based on amount on line 4 above)

Total gross receipts per firm		Amount of Tax
\$ 100,000 or less		\$ 50.00
100,001 — 250,000		100.00
250,001 — 500,000		250.00
500,001 — 1,000,000		750.00
1,000,001 — 3,000,000		1,500.00
3,000,001 — 5,000,000		3,000.00
5,000,001 — 10,000,000		4,500.00
10,000,001 — 25,000,000		7,200.00
25,000,001 — 50,000,000		18,000.00
50,000,001 — and above		33,000.00

DECLARATION OF TAXPAYER

I declare under penalties provided by law that this return has been examined by me and is, to the best of my knowledge and belief, a true, correct, and complete return, made in good faith pursuant to the provisions of the Code of Virginia.

DATE _____ SIGNATURE OF TAXPAYER _____ TITLE _____

_____ () _____
 Contact Person Daytime Telephone Number

INSTRUCTIONS

A. WHO MUST FILE FORM 404

Every wholesaler or distributor of carbonated soft drinks must file this return. "Wholesaler or distributor" means any person, firm or corporation who:

1. manufactures or sells carbonated soft drinks to retailers for resale, or
2. sells carbonated soft drinks at wholesale to institutional, commercial or industrial users, or
3. distributes carbonated soft drinks to chain stores.

B. SOFT DRINK RECEIPTS SUBJECT TO TAX

The amount of soft drink receipts subject to tax is the total gross receipts of the business, less the following amounts:

- A) Gross receipts not attributable to the sale of carbonated soft drinks;
- B) Gross receipts attributable to sales of carbonated soft drinks to customers outside of Virginia;
- C) Gross receipts attributable to sales of carbonated soft drinks to other wholesalers for purposes of resale to retail dealers.

C. PERIOD TO BE COVERED BY RETURN

The taxable year for this return shall be the same as the taxpayer's taxable year for income tax purposes.

D. ACCOUNTING METHODS

All taxable gross receipts from sales of carbonated soft drinks during the taxable year must be included on this return, regardless of the method of accounting used for books, financial statements or income tax returns.

E. WHERE AND WHEN TO FILE AND PAY

Returns and payments must be filed with the **Virginia Department of Taxation, P.O. Box 2185, Richmond, Virginia 23218-2185**. For corporations and any other taxpayers filing on a fiscal year basis, Form 404 must

be filed on or before the 15th day of the fourth month following the close of the taxable year. For calendar year taxpayers other than corporations, the due date is May 1. Checks should be made payable to the Virginia Department of Taxation.

F. EXTENSION OF TIME FOR FILING

An automatic six-month extension of time to file the Soft Drink return is granted to the date six months after such due date or 30 days after the extended date for filing the federal income tax return, whichever is later, provided the full amount estimated as the tax due has been paid on or before the original due date. Interest will accrue on the tax due with any return filed under extension (see PENALTIES AND INTEREST).

G. PENALTIES AND INTEREST

Penalties for late filing of Form 404 and/or late payment of the tax are computed in the same manner as late filing and late payment penalties for income tax returns.

Any corporation which fails to file a return and/or pay the full amount of tax by the required due date is subject to a penalty of 6% of the amount of unpaid tax for each month or fraction thereof that the tax remains unpaid, not to exceed 30%. The minimum penalty for late filing is \$100, regardless of whether there is any tax due for the delinquent period. Any taxpayer other than a corporation who fails to file a return and/or pay the full amount of tax due by the required due date is subject to the same penalty noted above, except that the \$100 minimum penalty provision does not apply.

Interest is accrued on the tax owed, from the due date through the date the tax is paid. In accordance with §58.1-15 of the Code of Virginia, interest is assessed at the underpayment rate established by Section 6621 of the Internal Revenue Code, plus 2%.

H. WHERE TO GET HELP

If you need assistance in completing Form 404, you may call **(804) 786-2450**; write the **Taxpayer Assistance Section, Virginia Department of Taxation, P.O. Box 715, Richmond, Virginia 23218-0715**; or visit our web site at **www.tax.virginia.gov**.

THIS FORM REFLECTS NEW RATES EFFECTIVE 7/1/02.