2005

Department of the Treasury
Internal Revenue Service

Instructions for Form 5329

Additional Taxes on Qualified Plans (Including IRAs) and Other Tax-Favored Accounts

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

What's New

The additional tax on early distributions does not apply to qualified hurricane distributions. See Form 8915, Qualified Hurricane Retirement Plan Distributions and Repayments, for more details.

Purpose of Form

Use Form 5329 to report additional taxes on:

- Individual retirement arrangements (IRAs),
- Other qualified retirement plans,
- Modified endowment contracts,
- Coverdell ESAs,
- Qualified tuition programs (QTPs),
- Archer MSAs, or
- Health savings accounts (HSAs).

Who Must File

You must file Form 5329 if any of the following apply, except you do not have to file Form 5329 to report a qualified hurricane distribution.

- You received an early distribution from a Roth IRA, the amount on Form 8606, line 23, is more than zero, and you are required to enter an amount that is more than zero on Form 5329, line 1 (see *Exception for Roth IRA Distributions* on page 2).
- You received an early distribution from a qualified retirement plan (other than a Roth IRA) and distribution code 1 is not shown in box 7 of Form 1099-R, Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.

Note. You do not have to file Form 5329 if distribution code 1 is correctly shown in box 7 of all Forms 1099-R and you owe the additional tax on each Form 1099-R. Instead, see the instructions for Form 1040, line 60, for how to report the additional 10% tax directly on that line.

- You meet an exception to the tax on early distributions and distribution code 1 is shown in box 7 of Form 1099-R.
- You meet an exception to the tax on early distributions from the list that begins on page 2 but box 7 of your Form 1099-R does not indicate an exception or the exception does not apply to the entire distribution.
- You received taxable distributions from Coverdell ESAs or QTPs.
- The contributions for 2005 to your traditional IRAs, Roth IRAs, Coverdell ESAs, Archer MSAs, or HSAs exceed your maximum contribution limit, or you had a tax due from an excess contribution on line 17, 25, 33, 41, or 43 of your 2004 Form 5329.
- You did not receive the minimum required distribution from your qualified retirement plan.

TIP *If you rolled over part or all of a distribution from a qualified retirement plan, the part rolled over is not subject to the additional tax on early distributions. See the instructions for Form 1040, lines 15a and 15b or lines 16a and 16b, or Form 1040A, lines 11a and 11b or 12a and 12b, for how to report the rollover.*

When and Where To File

File Form 5329 with your 2005 Form 1040 by the due date, including extensions, of your Form 1040.

If you do not have to file a 2005 income tax return, complete and file Form 5329 by itself at the time and place you would be required to file Form 1040. Be sure to include your address on page 1 and your signature and the date on page 2. Enclose, but do not attach, a check or money order payable to "United States Treasury" for any taxes due. Write your SSN and "2005 Form 5329" on the check.

Prior tax years. If you are filing Form 5329 for a prior year, you must use that year's version of the form. If you do not have other changes, file Form 5329 by itself (see above). If you have other changes, file Form 5329 for that year with Form 1040X, Amended U.S. Individual Income Tax Return.

Definitions

Qualified retirement plan. A qualified retirement plan includes:

- A qualified pension, profit-sharing, or stock bonus plan (including a 401(k) plan),
- A tax-sheltered annuity contract,
- A qualified annuity plan, and
- An IRA.

For purposes of the additional tax on early distributions, an eligible governmental section 457 deferred compensation plan is treated as a qualified retirement plan, but only to the extent that a distribution is attributable to an amount transferred from a qualified retirement plan (defined above).

Note. Modified endowment contracts are not qualified retirement plans.

Traditional IRAs. For purposes of Form 5329, a traditional IRA is any IRA, including a simplified employee pension (SEP) IRA, other than a SIMPLE IRA or Roth IRA.

Early distribution. Generally, any distribution from your IRA, other qualified retirement plan, or modified endowment contract before you reach age $59^1/_2$ is an early distribution.

Rollover. A rollover is a tax-free distribution of assets from one qualified retirement plan that is reinvested in another plan or the same plan. Generally, you must complete the rollover within 60 days of receiving the distribution. Any taxable amount not rolled over must be included in income and may be subject to the additional tax on early distributions.

The IRS may waive the 60-day requirement if failing to waive it would be against equity or good conscience, such as situations where a casualty, disaster, or other events beyond your reasonable control prevented you from meeting the 60-day requirement. Also, the 60-day period may be extended if you had a frozen deposit. See Pub. 590, Individual Retirement Arrangements (IRAs), for details.

Compensation. Compensation includes wages, salaries, tips, bonuses, and other pay you receive for services you perform. It also includes sales commissions, commissions on insurance premiums, and pay based on a percentage of profits. It includes net earnings from self-employment, but only for a trade or business in which your personal services are a material income-producing factor.

For IRAs, treat all taxable alimony received under a decree of divorce or separate maintenance as compensation.

Compensation does not include any amounts received as a pension or annuity and does not include any amount received as deferred compensation.

Taxable compensation is your compensation that is included in gross income reduced by any deductions on Form 1040, lines 27 and 28, but not by any loss from self-employment.

Additional Information

See Pub. 590; Pub. 560, Retirement Plans for Small Business; Pub. 575, Pension and Annuity Income; Pub. 970, Tax Benefits for Education; and Pub. 4492, Information for Taxpayers Affected by Hurricanes Katrina, Rita, and Wilma.

Specific Instructions

Joint returns. If both you and your spouse are required to file Form 5329, complete a separate form for each of you. Include the combined tax on Form 1040, line 60.

Amended return. If you are filing an amended 2005 Form 5329, check the box at the top of page 1 of the form. Do not use the 2005 Form 5329 to amend your return for any other year. Instead, see *Prior tax years* on page 1.

Part I—Additional Tax on Early Distributions

In general, if you receive an early distribution (including an involuntary cashout) from an IRA, other qualified retirement plan, or modified endowment contract, the part of the distribution included in income generally is subject to an additional 10% tax. But see *Exception for Roth IRA Distributions* on this page.

The additional tax on early distributions does not apply to any of the following:

- A qualified hurricane distribution. See Form 8915 for more details.
- A distribution from a traditional or SIMPLE IRA that was converted to a Roth IRA.
- A distribution of certain excess IRA contributions (see the instructions for lines 15 and 23).

Note. Any related earnings withdrawn with excess contributions are subject to the additional tax on early distributions if you were under age 59$^1/_2$ at the time of the distribution.

- A distribution of excess contributions from a qualified cash or deferred arrangement.
- A distribution of excess aggregate contributions to meet nondiscrimination requirements for employee contributions and matching employer contributions.
- A distribution of excess deferrals.
- A distribution from an eligible governmental section 457 deferred compensation plan to the extent the distribution is not attributable to an amount transferred from a qualified retirement plan (excluding an eligible section 457 deferred compensation plan).

See the instructions for line 2 on this page for other distributions that are not subject to the tax.

Line 1

Enter the amount of early distributions included in income that you received from:

- A qualified retirement plan, including earnings on withdrawn excess contributions to your IRAs included in income in 2005, or
- A modified endowment contract entered into after June 20, 1988.

Certain prohibited transactions, such as borrowing from your IRA or pledging your IRA assets as security for a loan, are considered to be distributions and may also cause you to owe the additional tax on early distributions. See Pub. 590 for details.

Exception for Roth IRA Distributions

If you received an early distribution from a Roth IRA, first allocate the amount on your 2005 Form 8606, line 19 (not including any qualified hurricane distributions), in the order shown, to the amounts on the lines listed below (to the extent a prior year distribution was not allocable to the amount).

- Your 2005 Form 8606, line 20.
- Your 2005 Form 8606, line 22*.
- Your 1998 Form 8606, line 16.
- Your 1998 Form 8606, line 15.
- Your 1999 Form 8606, line 16.
- Your 1999 Form 8606, line 15.
- Your 2000 Form 8606, line 16.
- Your 2000 Form 8606, line 15.
- Your 2001 Form 8606, line 18.
- Your 2001 Form 8606, line 17.
- Your 2002 Form 8606, line 18.
- Your 2002 Form 8606, line 17.
- Your 2003 Form 8606, line 18.
- Your 2003 Form 8606, line 17.
- Your 2004 Form 8606, line 18.
- Your 2004 Form 8606, line 17.
- Your 2005 Form 8606, line 18.
- Your 2005 Form 8606, line 17.
- Your 2005 Form 8606, line 25c.

*If applicable, reduce this amount by any amounts attributable to qualified hurricane distributions.

Then, include on line 1 of Form 5329 the amount from your 2005 Form 8606, line 25c, plus the amount, if any, allocated to the amount on your 2005 Form 8606, line 20, and the amount, if any, allocated to line 18 of your 2001 through 2005 Forms 8606. Also include the amount, if any, from your 2005 Form 8606, line 20, on Form 5329, line 2, and enter exception number 09.

Example. You converted $20,000 from a traditional IRA to a Roth IRA in 2001 and converted $10,000 in 2002. Your 2001 Form 8606 had $5,000 on line 17 and $15,000 on line 18 and your 2002 Form 8606 had $3,000 on line 17 and $7,000 on line 18. You made Roth IRA contributions of $2,000 for 2001 and 2002. You did not make any Roth IRA conversions or contributions for 2003 through 2005, or take any Roth IRA distributions before 2005. On July 9, 2005, at age 53, you took a $33,000 distribution from your Roth IRA. Your 2005 Form 8606 shows $33,000 on line 19; $29,000 on line 23 ($33,000 minus $4,000 for your contributions on line 22) and $0 on line 25a ($29,000 minus your basis in Roth IRA conversions of $30,000). First, $4,000 of the $33,000 is allocated to your 2005 Form 8606, line 22; then $15,000 to your 2001 Form 8606 line 18; $5,000 to your 2001 Form 8606, line 17; and $7,000 to your 2002 Form 8606, line 18. The remaining $2,000 is allocated to the $3,000 on your 2002 Form 8606, line 17. On line 1, enter $22,000 ($15,000 allocated to your 2001 Form 8606, line 18, plus the $7,000 that was allocated to your 2002 Form 8606, line 18). If you take a Roth IRA distribution in 2006, the first $1,000 will be allocated to the $1,000 remaining from your 2002 Form 8606, line 17, and will not be subject to the additional tax on early distributions.

Additional Information. For more details, see *Are Distributions Taxable?* in Pub. 590.

Line 2

The additional tax on early distributions does not apply to the distributions described below. Enter on line 2 the amount that can be excluded. In the space provided, enter the applicable exception number (01-11).

No.	Exception
01	Qualified retirement plan distributions if you separated from service in or after the year you reach age 55 (does not apply to IRAs).

02 Distributions made as part of a series of substantially equal periodic payments (made at least annually) for your life (or life expectancy) or the joint lives (or joint life expectancies) of you and your designated beneficiary (if from an employer plan, payments must begin after separation from service).

03 Distributions due to total and permanent disability.

04 Distributions due to death (does not apply to modified endowment contracts).

05 Qualified retirement plan distributions up to (1) the amount you paid for unreimbursed medical expenses during the year minus (2) 7.5% of your adjusted gross income for the year.

06 Qualified retirement plan distributions made to an alternate payee under a qualified domestic relations order (does not apply to IRAs).

07 IRA distributions made to unemployed individuals for health insurance premiums.

08 IRA distributions made for higher education expenses.

09 IRA distributions made for purchase of a first home, up to $10,000.

10 Distributions due to an IRS levy on the qualified retirement plan.

11 Other (see *Other*, below). Also, enter this code if more than one exception applies.

Other. The following exceptions also apply.

- Distributions incorrectly indicated as early distributions by code 1, J, or S in box 7 of Form 1099-R. Include on line 2 the amount you received when you were age 59½ or older.
- Distributions from a section 457 plan, which are not from a rollover from a qualified retirement plan.
- Distributions from a plan maintained by an employer if:

1. You separated from service by March 1, 1986;
2. As of March 1, 1986, your entire interest was in pay status under a written election that provides a specific schedule for distribution of your entire interest; and
3. The distribution is actually being made under the written election.

- Distributions that are dividends paid with respect to stock described in section 404(k).
- Distributions from annuity contracts to the extent that the distributions are allocable to the investment in the contract before August 14, 1982.

For additional exceptions that apply to annuities, see Pub. 575.

Line 4

If any amount on line 3 was a distribution from a SIMPLE IRA received within 2 years from the date you first participated in the SIMPLE IRA plan, you must multiply that amount by 25% instead of 10%. These distributions are included in boxes 1 and 2a of Form 1099-R and are designated with code S in box 7.

Part II—Additional Tax on Certain Distributions From Education Accounts

Line 6

This tax does not apply to distributions that are includible in income if:

- Due to the death or disability of the beneficiary;
- Made on account of a tax-free scholarship, allowance, or payment described in section 25A(g)(2);
- Made because of attendance by the beneficiary at a U.S. military academy. This exception applies only to the extent that the distribution does not exceed the costs of advanced education (as defined in title 10 of the U.S. Code) at the academy; or
- Included in income because you used the qualified education expenses to figure the Hope and lifetime learning credit.

Enter on line 6 the portion of line 5 that is excluded.

Part III—Additional Tax on Excess Contributions to Traditional IRAs

If you contributed more for 2005 than is allowable or you had an amount on line 17 of your 2004 Form 5329, you may owe this tax. But you may be able to avoid the tax on any 2005 excess contributions (see the instructions for line 15).

Line 9

Enter the amount from line 16 of your 2004 Form 5329 only if the amount on line 17 of your 2004 Form 5329 is more than zero.

Line 10

If you contributed less to your traditional IRAs for 2005 than your contribution limit for traditional IRAs, enter the difference.

If you are not married filing jointly, your contribution limit for traditional IRAs is the smaller of your taxable compensation (see page 1) or $4,000 ($4,500 if age 50 or older at the end of 2005). If you are married filing jointly, your contribution limit is generally $4,000 ($4,500 if age 50 or older at the end of 2005) and your spouse's contribution limit is $4,000 ($4,500 if age 50 or older at the end of 2005). But if the combined taxable compensation for you and your spouse is less than $8,000 ($8,500 if one spouse is 50 or older at the end of 2005; $9,000 if both spouses are 50 or older at the end of 2005), see *How Much Can Be Contributed?* in Pub. 590 for special rules.

Also include on line 9a or 9b of the IRA Deduction Worksheet in the instructions for Form 1040, line 32, the smaller of (a) Form 5329, line 10, or (b) the excess, if any, of Form 5329, line 9, over the sum of Form 5329, lines 11 and 12.

Line 11

Enter on line 11 any withdrawals from your traditional IRAs that are included in your income. Do not include any withdrawn contributions reported on line 12.

Line 12

Enter any excess contributions to your traditional IRAs for 1976 through 2003 that you had returned to you in 2005 and any 2004 excess contributions that you had returned to you in 2005 after the due date (including extensions) of your 2004 income tax return, that are included on line 9, if:

- You did not claim a deduction for the excess contributions and no traditional IRA deduction was allowable (without regard to the modified AGI limitation) for the excess contributions, and
- The total contributions to your traditional IRAs for the tax year for which the excess contributions were made were not more than: (a) $3,000 for years after 2001 and before 2005 ($3,500 if age 50 or older at the end of the year), (b) $2,000 for years after 1996 and before 2002, or (c) $2,250 for years before 1997. If the total contributions for the year included employer contributions to a SEP, increase that amount by the smaller of the amount of the employer contributions or $40,000 ($35,000 for 2001, or $30,000 for years before 2001).

Line 15

Enter the excess of your contributions to traditional IRAs for 2005 (unless withdrawn—see below) over your contribution limit for traditional IRAs. See the instructions for line 10 to figure your contribution limit for traditional IRAs. Any amount you contribute for the year in which you reach age 70½ or a later year is an excess contribution because your contribution limit is zero.

Do not include rollovers in figuring your excess contributions.

You can withdraw some or all of your excess contributions for 2005 and they will not be treated as having been contributed if:

- You make the withdrawal by the due date, including extensions, of your 2005 tax return,
- You do not claim a traditional IRA deduction for the withdrawn contributions, and
- You withdraw any earnings on the withdrawn contribution and include the earnings in gross income (see the Instructions for Form 8606 for details). Also, if you had not reached age 59$^1/_2$ at the time of the withdrawal, include the earnings as an early distribution on line 1 of Form 5329 for the year in which you report the earnings.

If you timely filed your return without withdrawing the excess contributions, you can still make the withdrawal no later than 6 months after the due date of your tax return, excluding extensions. If you do, file an amended return with "Filed pursuant to section 301.9100-2" written at the top. Report any related earnings for 2005 on the amended return and include an explanation of the withdrawal. Make any other necessary changes on the amended return (for example, if you reported the contributions as excess contributions on your original return, include an amended Form 5329 reflecting that the withdrawn contributions are no longer treated as having been contributed).

Part IV—Additional Tax on Excess Contributions to Roth IRAs

If you contributed more to your Roth IRA for 2005 than is allowable or you had an amount on line 25 of your 2004 Form 5329, you may owe this tax. But you may be able to avoid the tax on any 2005 excess contributions (see the instructions for line 23).

Line 18

Enter the amount from line 24 of your 2004 Form 5329 only if the amount on line 25 of your 2004 Form 5329 is more than zero.

Line 19

If you contributed less to your Roth IRAs for 2005 than your contribution limit for Roth IRAs, enter the difference. Your contribution limit for Roth IRAs is generally your contribution limit for traditional IRAs (see the instructions for line 10) reduced by the amount you contributed to traditional IRAs. But your contribution limit for Roth IRAs may be further reduced or eliminated if your modified AGI for Roth IRA purposes is over:

- $150,000 if married filing jointly or qualifying widow(er),
- $0 if married filing separately and you lived with your spouse at any time in 2005, or
- $95,000 for any other taxpayer.

See Pub. 590 for details.

Line 20

Generally, enter the amount from Form 8606, line 19, plus any qualified distributions. But if you withdrew the entire balance of all your Roth IRAs, do not enter less than the amount on Form 5329, line 18 (see *Example*).

Example. You contributed $1,000 to a Roth IRA in 2003, your only contribution to Roth IRAs. In 2005, you discovered you were not eligible to contribute to a Roth IRA in 2003. On September 9, 2005, you withdrew $800, the entire balance in the Roth IRA. You must file Form 5329 for 2003 and 2004 to pay the additional taxes for those years. When you complete Form 5329 for 2005, you enter $1,000 (not $800) on line 20, because you withdrew the entire balance.

Line 23

Enter the excess of your contributions to Roth IRAs for 2005 (unless withdrawn—see below) over your contribution limit for Roth IRAs (see the instructions for line 19).

Any amounts converted to a Roth IRA are excess Roth IRA contributions if your modified AGI for Roth IRA purposes is over $100,000 or your filing status is married filing separately and you lived with your spouse at any time in 2005. See *Recharacterizations* in the Instructions for Form 8606 for details. Do not include rollovers in figuring your excess contributions.

You can withdraw some or all of your excess contributions for 2005 and they will not be treated as having been contributed if:

- You make the withdrawal by the due date, including extensions, of your 2005 tax return, and
- You withdraw any earnings on the withdrawn contributions and include the earnings in gross income (see the Instructions for Form 8606 for details). Also, if you had not reached age 59$^1/_2$ at the time of the withdrawal, include the earnings as an early distribution on line 1 of Form 5329 for the year in which you report the earnings.

If you timely filed your return without withdrawing the excess contributions, you can still make the withdrawal no later than 6 months after the due date of your tax return, excluding extensions. If you do, file an amended return with "Filed pursuant to section 301.9100-2" written at the top. Report any related earnings for 2005 on the amended return and include an explanation of the withdrawal. Make any other necessary changes on the amended return (for example, if you reported the contributions as excess contributions on your original return, include an amended Form 5329 reflecting that the withdrawn contributions are no longer treated as having been contributed).

Part V—Additional Tax on Excess Contributions to Coverdell ESAs

If the contributions to your Coverdell ESAs for 2005 were more than is allowable or you had an amount on line 33 of your 2004 Form 5329, you may owe this tax. But you may be able to avoid the tax on any 2005 excess contributions (see the instructions for line 31).

Line 26

Enter the amount from line 32 of your 2004 Form 5329 only if the amount on line 33 of your 2004 Form 5329 is more than zero.

Line 27

Enter the excess, if any, of the maximum amount that can be contributed to your Coverdell ESAs for 2005 (see the instructions for line 31) over the amount actually contributed for 2005.

Line 28

Enter your total distributions from Coverdell ESAs in 2005. Do not include rollovers or returned excess contributions.

Line 31

Enter the excess of the contributions to your Coverdell ESAs for 2005 (not including rollovers) over your contribution limit for Coverdell ESAs. Your contribution limit is the smaller of $2,000 or the sum of the maximum amounts allowed to be contributed by the contributor(s) to your Coverdell ESAs. The maximum contribution may be limited based on the contributor's modified AGI. See Pub. 970 for details.

You can withdraw some or all of the excess contributions for 2005 and they will not be treated as having been contributed if:

- You make the withdrawal before June 1, 2006, and
- You also withdraw any income earned on the withdrawn contributions and include the earnings in gross income for the year in which the contribution was made.

If you filed your return without withdrawing the excess contributions, you can still make the withdrawal, but it must be made before June 1, 2006. If you do, file an amended return. Report any related earnings for 2005 on the amended return and include an explanation of the withdrawal. Make any other necessary changes on the amended return (for example, if you reported the contributions as excess contributions on your original return, include an amended Form 5329 reflecting that the withdrawn contributions are no longer treated as having been contributed).

Part VI—Additional Tax on Excess Contributions to Archer MSAs

If you or your employer contributed more to your Archer MSA for 2005 than is allowable or you had an amount on line 41 of your 2004 Form 5329, you may owe this tax. But you may be able to avoid the tax on any 2005 excess contributions (see the instructions for line 39).

Line 34

Enter the amount from line 40 of your 2004 Form 5329 only if the amount on line 41 of your 2004 Form 5329 is more than zero.

Line 35

If your contribution limit for your Archer MSAs (the smaller of line 5 or line 6 of Form 8853) is greater than the contributions to your Archer MSAs for 2005, enter the difference on line 35. Also include on your 2005 Form 8853, line 7, the smaller of:

- Form 5329, line 35, or
- The excess, if any, of Form 5329, line 34, over Form 5329, line 36.

Line 39

Enter the excess of your contributions to your Archer MSA for 2005 (from Form 8853, line 4) over your contribution limit (the smaller of line 5 or line 6 of Form 8853). Also include on line 39 any excess contributions your employer made. See the Instructions for Form 8853 for details.

However, you can withdraw some or all of the excess contributions for 2005 and they will not be treated as having been contributed if:

- You make the withdrawal by the due date, including extensions, of your 2005 tax return, and
- You withdraw any income earned on the withdrawn contributions and include the earnings in gross income for the year in which you receive the withdrawn contributions and earnings.

Include the withdrawn contributions and related earnings on Form 8853, lines 8a and 8b.

If you timely filed your return without withdrawing the excess contributions, you can still make the withdrawal no later than 6 months after the due date of your tax return, excluding extensions. If you do, file an amended return with "Filed pursuant to section 301.9100-2" written at the top. Report any related earnings for 2005 on the amended return and include an explanation of the withdrawal. Make any other necessary changes on the amended return (for example, if you reported the contributions as excess contributions on your original return, include an amended Form 5329 reflecting that the withdrawn contributions are no longer treated as having been contributed).

Part VII—Additional Tax on Excess Contributions to Health Savings Accounts (HSAs)

If you, someone on your behalf, or your employer contributed more to your HSAs for 2005 than is allowable or you had an amount on line 43 of your 2004 Form 5329, you may owe this tax. But you may be able to avoid the tax on any 2005 excess contributions (see the instructions for line 47).

Line 43

If your contribution limit for your HSAs (Form 8889, line 10) is greater than the contributions you made to your HSAs (or those made on your behalf) for 2005 (Form 8889, line 2), enter the difference on line 43. Also include on your 2005 Form 8889, line 11, the smaller of:

- Form 5329, line 43, or
- The excess, if any, of Form 5329, line 42, over Form 5329, line 44.

Line 47

Enter the excess of your contributions (including those made on your behalf) to your HSAs for 2005 (Form 8889, line 2) over your contribution limit (Form 8889, line 10). Also include on line 47 any excess contributions your employer made. See the instructions for Form 8889 for details.

However, you can withdraw some or all of the excess contributions for 2005 and they will not be treated as having been contributed if:

- You make the withdrawal by the due date, including extensions, of your 2005 return, and
- You withdraw any income earned on the withdrawn contributions and include the earnings in gross income for the year in which you receive the withdrawn contributions and earnings.

Include the withdrawn contributions and related earnings on Form 8889, lines 12a and 12b.

If you timely filed your return without withdrawing the excess contributions, you can still make the withdrawal no later than 6 months after the due date of your tax return, excluding extensions. If you do, file an amended return with "Filed pursuant to section 301.9100-2" written at the top. Report any related earnings for 2005 on the amended return and include an explanation of the withdrawal. Make any other necessary changes on the amended return (for example, if you reported the contributions as excess contributions on your original return, include an amended Form 5329 reflecting that the withdrawn contributions are no longer treated as having been contributed).

Part VIII—Additional Tax on Excess Accumulation in Qualified Retirement Plans (Including IRAs)

You owe this tax if you do not receive the minimum required distribution from your qualified retirement plan, including an IRA or an eligible section 457 deferred compensation plan. The additional tax is 50% of the excess accumulation—the difference between the amount that was required to be distributed and the amount that was actually distributed.

Required Distributions

IRA (other than a Roth IRA). You must start receiving distributions from your IRA by April 1 of the year following the year in which you reach age 70½. At that time, you can receive your entire interest in the IRA or begin receiving periodic distributions. If you choose to receive periodic distributions, you must receive a minimum required distribution each year. You can figure the minimum required distribution by dividing the account balance of your IRAs (other than Roth IRAs) on December 31 of the year preceding the distribution by the applicable life expectancy. For applicable life expectancies, see Pub. 590.

If the trustee, custodian, or issuer of your IRA informs you of the minimum required distribution, you can use that amount.

If you have more than one IRA, you can take the minimum required distribution from any one or more of the individual IRAs.

For more details on the minimum distribution rules (including examples), see Pub. 590.

Roth IRA. There are no minimum required distributions during the lifetime of the owner of a Roth IRA. Following the death of the Roth IRA owner, required distribution rules apply to the beneficiary. See Pub. 590 for details.

Qualified retirement plans (other than IRAs) and eligible section 457 deferred compensation plans. In general, you must begin receiving distributions from your plan no later than April 1 following the later of (a) the year in which you reach age 70$^1/_2$ or (b) the year in which you retire.

Exception. If you owned more than 5% of the employer maintaining the plan, you must begin receiving distributions no later than April 1 of the year following the year in which you reach age 70$^1/_2$, regardless of when you retire.

Your plan administrator should figure the amount that must be distributed each year.

Note. The IRS can waive this tax if you can show that any shortfall in the amount of withdrawals was due to reasonable error and you are taking appropriate steps to remedy the shortfall. If you believe you qualify for this relief, file Form 5329 and attach a letter of explanation.

For more details, see Pub. 575.

Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The average time and expenses required to complete and file this form will vary depending on individual circumstances. For the estimated averages, see the instructions for your income tax return.

If you have suggestions for making this form simpler, we would be happy to hear from you. See the instructions for your income tax return.