

Instructions

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

Future Developments

For the latest information about developments related to Form 5308 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/Form5308.

Purpose of Form

Use this form instead of Form 1128, Application To Adopt, Change, or Retain a Tax Year, to request approval to change the plan/trust year of certain employee retirement plans.

Change in funding methods. Do not file Form 5308 to change your plan's funding method. See Rev. Proc. 2017-56, 2017-44 I.R.B. 465 (automatic approval for certain changes in funding method for single-employer plans that are subject to section 430); Rev. Proc. 2017-57, 2017-44 I.R.B. 474 (requests for approval of changes in funding method); and Rev. Proc. 2000-40, 2000-42 I.R.B. 357 (automatic approval for certain changes in funding method for multiemployer plans and CSEC plans).

Who Must File

Except as described below, for any employee retirement plan to which the minimum funding standards of section 412 apply (such as a defined benefit plan, money purchase pension plan, or target benefit plan), in order to change the plan year of the plan, the employer or plan administrator must file Form 5308 to request approval for the change if automatic approval for the change does not apply pursuant to Rev. Proc. 87-27.

Any employees' trust forming a part of a qualified plan (whether or not the trust is part of a plan subject to section 412) must file Form 5308 to request approval to change its trust year.

Exceptions. The following plans do not have to file Form 5308 to request approval to change their plan year.

- Profit-sharing plans.
- Stock bonus plans.
- Insurance contract plans described in section 412(e)(2).
- Governmental plans described in section 414(d).
- Church plans described in section 414(e) that have not made the election under section 410(d).
- Plans that have not, at any time after September 2, 1974, provided for employer contributions.
- Certain plans established and maintained by fraternal benefit societies, orders, or associations (see section 412(e)(2)).
- Certain plans established and maintained by voluntary employee's beneficiary associations (see section 412(e)(2)).

Automatic approval. Instead of filing Form 5308, a plan or trust is granted automatic approval to change its plan/trust year if all the following requirements are met.

- All actions necessary to implement the change of plan year, including plan amendment and a resolution of the Board of Directors (if applicable), have been taken on or before the short period.
- No plan year is longer than 12 months.
- The change will not delay the time when the plan would otherwise have been required to conform to the requirements of any statute, regulation, or published position of the IRS.
- The trust, if any, retains its exempt status for the short period required to effect the change as well as for the tax year immediately preceding the short period.
- The trust, if any, has no unrelated business taxable income under section 511 for the short period.
- No change of plan year has been made for any of the 4 preceding plan years.
- Defined benefit plan deductions are taken as described in section 5 of Rev. Proc. 87-27.

See Rev. Proc. 87-27 for more information about changing a plan/trust year.

Address

Include the suite, room, or other unit number after the street address. If the post office does not deliver mail to the street address and the plan has a P.O. box, show the box number instead of the street address.

When and Where To File

File this form in duplicate at this address on or before the last day of the end of the short period required to make the change.

Internal Revenue Service
Attn: EP Letter Rulings
TE/GE Stop 31A Team 105
P.O. Box 12192
Covington, KY 41012-0192

Private delivery services (PDSs). PDSs can't deliver to the address shown above. If you choose to use a PDS, send Form 5308 to this address.

Internal Revenue Service
Attn: EP Letter Rulings
7940 Kentucky Drive
TE/GE Stop 31A Team 105
Florence, KY 41042

Go to www.irs.gov/PDS for the current list of designated services.

On each attachment to Form 5308, write "Form 5308" and show the plan's or trust's name, identifying number, address, and date of filing.

User Fee

All applications must be accompanied by the appropriate user fee. Applications submitted without the proper user fee will not be processed and will be returned to the applicant.

To determine the proper user fee, see Rev. Proc. 2019-4, 2019-1 I.R.B. 146, available at www.irs.gov/irb/2019-01_IRB#RP-2019-04, or the latest annual update.

Information Requested

You must furnish all of the applicable information requested. Otherwise, your request may not be approved.

Signature

An application for a single employer plan must be signed by the employer. An application for a plan of more than one employer must be signed by the plan administrator.

If someone else is filing Form 5308 on behalf of a taxpayer, a power of attorney must be included specifically authorizing that person to represent the taxpayer. Form 2848, Power of Attorney and Declaration of Representative, may be used for this purpose.

Privacy Act and Paperwork Reduction Act Notice

We ask for information on this form to carry out the Internal Revenue laws of the United States. We need it to ensure you are complying with these laws, to determine whether you meet the requirements for changing the plan/trust year, and to process your request. You are not required to request a change in the plan/trust year; however, if you want to request such a change, you are required to provide the information requested on this form. Section 6109 requires you to provide the requested identification numbers. Failure to provide this information timely and in accordance with instructions, or providing false information, may delay or prevent processing your request and may subject you to penalties.

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. However, section 6103 sometimes permits or requires us to disclose information. We may give the information to the Department of Justice for civil and criminal litigation, to the Department of Labor for administration of ERISA, and to other federal agencies as provided by law. We may give it to cities, states, the District of Columbia, and U.S. commonwealths or possessions to administer their tax laws. We may give it to foreign governments under a tax treaty, and to federal and state agencies to enforce federal nontax criminal laws and to combat terrorism.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is 7 hr., 42 min.

If you have comments concerning the accuracy of this time estimate or suggestions for making this form simpler, we would be happy to hear from you. You can send us comments from www.irs.gov/FormComments. Or you can write to the Internal Revenue Service, Tax Forms and Publications Division, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. **Do not** send the form to this address. Instead, see **When and Where To File** above.