

14 the tax, interest, and/or penalties found by the director to be due, with
 15 interest after sixty days from the date of payment by the taxpayer at
 16 six percent per annum. *The director may, on his own motion at any*
 17 *time, abate any portion of tax, interest or penalties which he deter-*
 18 *mines is excessive in amount, or erroneously or illegally assessed. The*
 19 *director shall prepare quarterly reports, which shall be included in the*
 20 *annual statistical reports required under section four hundred twenty-*
 21 *two point seventy-five (422.75) of the Code, summarizing each case in*
 22 *which an abatement of tax, interest, or penalties was made under this*
 23 *section, but the report shall not disclose the identity of the taxpayer.*

Approved May 2, 1974

CHAPTER 1223

MOTOR FUEL TAX CREDIT

S. F. 1211

AN ACT relating to a state fuel tax credit.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter four hundred twenty-two (422), Code 1973, is
 2 amended by adding sections two (2) through four (4) of this Act as a
 3 new division.

1 SEC. 2. NEW SECTION. In lieu of the fuel tax refund provided in
 2 sections three hundred twenty-four point seventeen (324.17) through
 3 three hundred twenty-four point nineteen (324.19) of the Code, each
 4 person or corporation subject to taxation under divisions two (II) or
 5 three (III) of this chapter, except those persons or corporations
 6 licensed under sections three hundred twenty-four point four (324.4)
 7 or three hundred twenty-four point thirty-six (324.36) of the Code,
 8 may elect to receive an income tax credit for tax years beginning on
 9 or after January 1, 1975. The person or corporation which elects to
 10 receive an income tax credit shall cancel its refund permit obtained
 11 under section three hundred twenty-four point eighteen (324.18) of
 12 the Code within thirty days after the first day of its tax year. When
 13 the election to receive an income tax credit has been made, it remains
 14 effective for at least one tax year, and for subsequent tax years unless
 15 a change is requested and a new refund permit applied for within
 16 thirty days after the first day of the person's or corporation's tax year.
 17 The income tax credit shall be the amount of the Iowa fuel tax paid on
 18 fuel purchased by the person or corporation and used as follows:

19 1. Motor fuel as defined in section three hundred twenty-four point
 20 two (324.2), subsection one (1) of the Code, used for the purpose of
 21 operating or propelling farm tractors, corn shellers, roller mills, truck-
 22 mounted feed grinders, stationary engines, aircraft, for cleaning or
 23 dyeing, or for any purpose other than in watercraft or in motor
 24 vehicles operated or intended to be operated upon the public highways.

25 2. Special fuel as defined in section three hundred twenty-four point
 26 thirty-three (324.33), subsection one (1) of the Code, used for the

27 purpose of operation of corn shellers, roller mills, and feed grinders
28 mounted on trucks.

29 3. Motor fuel placed in motor vehicles and used, other than on
30 public highways, in the extraction and processing of natural deposits.

31 4. Motor fuel or special fuel used by a bona fide commercial fisher-
32 man, licensed and operating under an owner's certificate for commer-
33 cial fishing gear issued pursuant to section one hundred ten point one
34 (110.1) of the Code.

35 However, no credit shall be given with respect to motor fuel taken
36 out of the state in fuel supply tanks of motor vehicles, or motor fuel
37 used in the performance of a contract which is paid out of state funds
38 unless the contract for the work contains a certificate made under
39 penalty for false certificate that the estimate, bid or price to be paid
40 for the work includes no amount representing motor fuel tax subject
41 to a credit. The right to a credit under this section is not assignable
42 and the credit may be claimed only by the person or corporation that
43 purchased the fuel.

1 SEC. 3. NEW SECTION. The fuel tax credit may be applied against
2 the income tax liability of the person or corporation as determined on
3 the tax return filed for the year in which the fuel tax was paid. The
4 fuel tax credit for tax paid on motor fuel used for the purpose of oper-
5 ating aircraft must be itemized separately. The department shall pro-
6 vide forms for claiming the fuel tax credit. If the fuel tax credit would
7 result in an overpayment of income tax, the person or corporation
8 may apply for a refund of the amount of overpayment or may have
9 the overpayment credited to income tax due in subsequent years.
10 Each person or corporation that claims a fuel tax credit shall maintain
11 the original invoices showing the purchase of the fuel on which a credit
12 is claimed. No invoice is acceptable in support of a claim for credit
13 unless it is a separate serially numbered invoice covering no more
14 than one purchase of motor fuel or special fuel, prepared by the seller
15 on a form approved by the department, nor unless it is legibly written
16 with no corrections or erasures and shows the date of sale, the name
17 and address of the seller and of the purchaser, the kind of fuel, the
18 gallonage in figures, the per gallon price of the fuel, the total purchase
19 price including the Iowa fuel tax, and that the total purchase price has
20 been paid. However, as to refund invoices made on a billing machine
21 the department may waive these requirements. If an original invoice
22 is lost or destroyed, the department may approve a credit supported
23 by a copy identified and certified by the seller as being a true copy of
24 the original. Each person or corporation that claims a fuel tax credit
25 shall maintain complete records of purchases of motor fuel or special
26 fuel on which Iowa fuel tax was paid, and for which a fuel tax credit
27 is claimed.

28 In order to verify the validity of a claim for credit the department
29 of revenue shall have the right to require the claimant to furnish such
30 additional proof of validity as the department of revenue may deter-
31 mine and to examine the books and records of the claimant. Failure
32 of the claimant to furnish his books and records for examination shall
33 constitute a waiver of rights to claim a credit related to that taxpayer's
34 year and the department may disallow the entire credit claimed by the
35 taxpayer for that year.

1 SEC. 4. NEW SECTION. The department shall certify quarterly to
 2 the treasurer of state the amount of credit that has been taken against
 3 income tax liability since the time of the last certification, for the
 4 Iowa fuel tax paid on motor fuel, special fuel and motor fuel used for
 5 the purpose of operating aircraft, and the treasurer of state shall
 6 transfer the amount of the total credit from the motor vehicle fuel tax
 7 fund, or in the case of aircraft motor fuel, from the separate fund
 8 established by section three hundred twenty-four point eighty-two
 9 (324.82) of the Code, to the general fund of the state.

1 SEC. 5. Section three hundred twenty-four point seventeen
 2 (324.17), Code 1973, is amended by adding the following new subsec-
 3 tion:

4 NEW SUBSECTION. In lieu of the refund provided in this section,
 5 a person may receive an income tax credit as provided in sections two
 6 (2), three (3) and four (4) of this Act.

1 SEC. 6. Section three hundred twenty-four point seventy-four
 2 (324.74), subsection four (4), Code 1973, is amended to read as fol-
 3 lows:

4 4. For any claimant to alter any invoice or sales ticket, whether the
 5 invoice or sales ticket is to be used to support a claim for refund or
 6 *income tax credit* or not, provided, however, if claimant's refund per-
 7 mit shall have been revoked for cause as provided in section 324.19
 8 such revocation shall be a bar to prosecution for violation of this sub-
 9 section.

1 SEC. 7. Section three hundred twenty-four point eighty-two
 2 (324.82), Code 1973, is amended to read as follows:

3 324.82 Aviation gas tax fund. The portion of the moneys collected
 4 under the provisions of this chapter received on account of aviation
 5 gasoline shall be deposited in a separate fund to be maintained by the
 6 treasurer. All moneys reimbursed and repaid pursuant to section
 7 324.17 or transferred pursuant to section four (4) of this Act on
 8 account of motor fuel used for the purpose of operating aircraft shall
 9 be paid from said separate fund and all moneys remaining in said
 10 separate fund after all claims for refund and the cost of administering
 11 said fund have been paid shall be credited to the state aviation fund.

1 SEC. 8. The provisions of sections one (1) through four (4) of this
 2 Act are applicable to purchases made on or after July 1, 1974.

Approved May 10, 1974

CHAPTER 1224

HOMESTEAD TAX CREDIT

S. F. 1071

AN ACT relating to the homestead tax credit.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred twenty-five point two (425.2),
 2 Code 1973, is amended to read as follows:

3 425.2 Qualifying for credit. Any person who desires to avail him-
 4 self of the benefits provided hereunder applying for homestead tax