

House File 816 - Reprinted

HOUSE FILE 816
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 277)

(As Amended and Passed by the House March 9, 2010)

A BILL FOR

1 An Act allowing the department of revenue to subpoena certain
2 customer records of individuals with a debt placed with the
3 centralized collection unit of the department of revenue and
4 including effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 421.17, Code 2009, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 31. *a.* To the extent permissible by
4 federal law, to subpoena certain records held by a public or
5 private utility company with respect to an individual who has
6 a debt or obligation placed with the centralized collection
7 unit of the department. The subpoena authority granted in this
8 subsection may be used only after reasonable efforts have been
9 made by the centralized collection unit to identify and locate
10 the individual.

11 *b.* The department may subpoena customer records, but
12 shall not request or require the disclosure of transaction
13 information, account activity, or proprietary information.

14 *c.* A public or private utility company shall respond to the
15 subpoenas. The subpoenas shall not be served more frequently
16 than quarterly.

17 *d.* The burden of showing reasonable cause to believe that
18 the documents or records sought by the subpoena are necessary
19 to assist the department under this subsection shall be upon
20 the director. In administering this subsection, the director
21 and the department shall comply with all applicable state and
22 federal laws pertaining to the confidentiality or privacy
23 of individuals or public or private utility companies. The
24 information and customer records obtained by the department
25 pursuant to this subsection are confidential records and are
26 not subject to requests for examination pursuant to chapter 22.

27 *e.* A public or private utility company shall not be held
28 liable for any action arising as a result of providing the
29 records described in paragraph "b" or for any other action
30 taken reasonably and in good faith to comply with this
31 subsection.

32 *f.* As used in this subsection, "public or private utility
33 company" means a public utility, cable, video, or satellite
34 television company, cellular telephone company, or internet
35 service provider.

1 *g.* The department may adopt rules for the administration of
2 this subsection.

3 Sec. 2. *EFFECTIVE DATE.* This Act takes effect January 1,
4 2011.