

REVENUE DEPARTMENT[701]

Notice of Intended Action

Proposing rule making related to personal service and paperless delivery of notices, correspondence, and other communication and providing an opportunity for public comment

The Revenue Department hereby proposes to amend Chapter 7, “Appeals, Taxpayer Representation, and Other Administrative Procedures,” and Chapter 8, “Forms and Communications,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 421.14 and 421.60(11).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 421.60 as amended by 2022 Iowa Acts, House File 2552, section 18.

Purpose and Summary

This proposed rule making amends rules on personal service and paperless delivery of notices, correspondence, and other communication from the Department to taxpayers and their authorized representatives. These amendments are necessary to reflect changes made to the implementing statute as a result of 2022 Iowa Acts, House File 2552, section 18, and to describe the functionality of the Department’s e-services portal, GovConnectIowa, regarding paperless delivery, which will be available at the time this rule making becomes effective.

Fiscal Impact

This rule making has no known fiscal impact to the State of Iowa at this time.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—7.28(17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Alana Stamas
Department of Revenue
Hoover State Office Building
P.O. Box 10457
Des Moines, Iowa 50319
Phone: 515.350.3932
Email: alana.stamas@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 701—7.33(421) as follows:

701—7.33(421) Mailing to the last-known address or personal delivery of notices of assessment and refund denial letters. Taxpayers must update their address with the department in order to receive notices of refunds of tax, notices of assessment, and notices of refund claim denials. When such a notice is sent to a taxpayer’s last-known address, the notice is legally effective even if the taxpayer never receives it. A taxpayer’s authorized representative is responsible for keeping the representative’s address updated with the department. When such a notice is sent to a representative’s last-known address, the notice is legally effective even if the representative never receives it.

7.33(1) No change.

7.33(2) *Determination of last-known address.*

a. A taxpayer’s last-known address for a particular tax type shall be ~~the~~ one of the following most recently ~~provided by the taxpayer and with which the department has updated its~~ updated in the department’s records:

(1) to (3) No change.

(4) The address provided by the taxpayer in GovConnectIowa;

(5) The address provided by the taxpayer in any correspondence to the department;

(6) The address the department receives from a third-party skip tracing service; a public or private utility company in response to a subpoena issued pursuant to Iowa Code section 421.17(32); or a federal, state, or local agency.

b. No change.

7.33(3) *Personal Mail or personal delivery to a taxpayer.* The following shall constitute personal delivery to a taxpayer:

a. and *b.* No change.

c. ~~With respect to a taxpayer who has not provided a last known address for a particular tax type within the prior two years, mailing~~ Mailing to an address the department receives from a third-party skip tracing service; a public or private utility company in response to a subpoena issued pursuant to Iowa Code section 421.17(32); or a federal, state, or local agency.

d. No change.

7.33(4) *Personal Mail or personal delivery to authorized representatives.* The department may mail or personally deliver a copy of a notice to an authorized representative by one of the following methods:

a. Mailing to the address used on the most recently filed and processed written authorization as described in rule 701—7.6(17A) for the taxpayer the authorized representative is representing;

b. No change.

c. ~~With respect to an authorized representative who has elected to receive notices electronically, by~~ By providing the notice electronically through GovConnectIowa or similar method of electronic service;

d. and *e.* No change.

This rule is intended to implement Iowa Code section 421.60.

ITEM 2. Amend rule 701—8.6(421) as follows:

701—8.6(421) Electing to receive communications in electronic format in lieu of paper. A taxpayer or taxpayer representative that is a registered account holder in GovConnectIowa may elect to receive notices, correspondence, or other communication electronically through GovConnectIowa in lieu of receiving them by regular mail. ~~With respect to any notice, correspondence, or communication served electronically, response deadlines shall be calculated from the date the taxpayer is notified electronically of the correspondence or the item is mailed, whichever is earlier. For each account a taxpayer representative represents, if the taxpayer representative is registered in GovConnectIowa, the taxpayer representative will receive electronic notifications even if the taxpayer does not have an account. However, if the taxpayer has elected to continue to receive paper mail, the representative will continue to receive paper mail. If the taxpayer representative is not registered in GovConnectIowa, notifications will be provided by regular mail.~~

8.6(1) How to make the election. The election must be made by selecting the appropriate setting on GovConnectIowa.

8.6(2) Limitations.

a. This election only exists for persons registered in GovConnectIowa.

b. Unless specified elsewhere in rule, this option is limited to notices, correspondence, or other communications on tax types managed in GovConnectIowa.

~~*e.* This election is not available for mail required to be sent by means other than regular mail.~~

~~*c.* Where the department finds it beneficial to continue to send items by regular mail, the department may continue to send regular mail even if an electronic copy is also provided and even if the person elects to receive electronic mail.~~

8.6(3) When service occurs. If the department sends a notice, correspondence, or other communication by both mail and electronic communication, service occurs upon the earlier of when the communication is posted to GovConnectIowa or mailed.

8.6(4) Taxpayer authorized representatives. Authorized representatives as described in rule 701—7.6(17A,22,421,422) cannot opt out of paper mail for the taxpayers they represent. For each account an authorized representative represents, the authorized representative will receive paper copies of notices, correspondence, or other communication sent to the represented taxpayer. If the authorized representative creates a login and requests and is granted account access for the represented taxpayer, the authorized representative will be able to view electronic versions of the notices, correspondence, or other communication the represented taxpayer receives, but the authorized representative will still receive paper copies of those notices, correspondence, or other communication.

This rule is intended to implement Iowa Code section 421.60(11).