

421.59 Power of attorney — authority to act on behalf of taxpayer.

1. *a.* A taxpayer may authorize an individual to act on behalf of the taxpayer by filing a power of attorney with the department, on a form prescribed by the department.

b. A taxpayer may at any time revoke a power of attorney filed with the department pursuant to this [subsection 1](#). Upon processing of the taxpayer's revocation of a power of attorney, the department shall cease honoring the power of attorney.

2. The department may authorize the following persons to act and receive information on behalf of and exercise all of the rights of a taxpayer, regardless of whether a power of attorney has been filed pursuant to [subsection 1](#):

a. A guardian, conservator, or custodian appointed by a court, if a taxpayer has been deemed legally incompetent by a court. The authority of the appointee to act on behalf of the taxpayer shall be limited to the extent specifically stated in the order of appointment.

(1) Upon request, a guardian, conservator, or custodian of a taxpayer shall submit to the department a copy of the court order appointing the guardian, conservator, or custodian.

(2) The department may petition the court that appointed the guardian, conservator, or custodian to verify the appointment or to determine the scope of the appointment.

b. A receiver appointed pursuant to [chapter 680](#). An appointed receiver shall be limited to act on behalf of the taxpayer by the authority stated in the order of appointment.

(1) Upon the request of the department, a receiver shall submit to the department a copy of the court order appointing the receiver.

(2) The department may petition the court that appointed the receiver to verify the appointment or to determine the scope of the appointment.

c. An individual who has been named as an authorized representative on a fiduciary return of income filed under [section 422.14](#) or a tax return filed under [chapter 450](#).

d. (1) An individual holding the following title or position within a corporation, association, partnership, or other business entity:

(*a.*) A president or chief executive officer, or any other officer of the corporation or association if the president or chief executive officer certifies that the officer has the authority to legally bind the corporation or association.

(*b.*) A designated partner duly authorized to act on behalf of the partnership.

(*c.*) A person authorized to act on behalf of a limited liability company in tax matters pursuant to a valid statement of authority.

(2) An individual seeking to act on behalf of a taxpayer pursuant to this paragraph shall file an affidavit with the department attesting to the identity and qualifications of the individual and any necessary certifications required under this paragraph. The department may require any documents or other evidence to demonstrate the individual has authority to act on behalf of the taxpayer before the department.

e. A licensed attorney who has appeared on behalf of the taxpayer or the taxpayer's estate in a court proceeding. Authorization under this paragraph is limited to those matters within the scope of the representation.

f. A parent or guardian of a taxpayer who has not reached the age of majority where the parent or guardian has signed the taxpayer's return on behalf of the taxpayer. Authorization under this paragraph is limited to those matters relating to the return signed by the parent or guardian. Authorization under this paragraph automatically terminates when the taxpayer reaches the age of majority pursuant to [section 599.1](#).

3. *a.* In lieu of executing a power of attorney pursuant to [subsection 1](#), the department may enter into a memorandum of understanding with the taxpayer for each employee, officer, or member of a third-party entity engaged with or otherwise hired by a taxpayer to manage the tax matters of the taxpayer, to permit the disclosure of confidential tax information to the third-party entity and the authority to act on behalf of the taxpayer. The memorandum of understanding shall adhere to requirements as established by the director.

b. The memorandum of understanding shall be signed by the director, the taxpayer, and the third-party entity or an authorized representative of the third-party entity.

c. At any time, a taxpayer may unilaterally revoke a memorandum of understanding entered into pursuant to [this subsection](#) by filing a notice of revocation with the department.

Upon the filing of such a revocation by the taxpayer, the department shall cease honoring the memorandum of understanding.

4. The department shall adopt rules pursuant to [chapter 17A](#) to administer [this section](#).

[2020 Acts, ch 1118, §7](#)

Referred to in [§422.20](#)

NEW section