

453E.4 Delivery sale of devices — permit — requirements.

1. A person shall not mail, ship, or otherwise cause to be delivered any device in connection with a delivery sale to any other person within this state unless the person has applied for and holds a device delivery sale permit as provided in [this section](#).

2. All device delivery sale permits provided for in [this section](#) shall expire on June 30 of each year. A device delivery sale permit shall not be granted or issued until the applicant has paid the fees provided for in [this section](#) for the period ending June 30 next, to the department. The fee for a device delivery sale permit is one thousand five hundred dollars.

3. Device delivery sale permits shall be issued only upon application, accompanied by the one thousand five hundred dollar fee, made upon forms furnished by the department. The application, any supporting documentation, and the associated fees required by [this section](#) shall be submitted to the department electronically. The forms shall specify all of the following:

a. The manner under which the device delivery sale permit holder transacts or intends to transact business as a device delivery sale permit holder.

b. The principal office, residence, and place of business, to which the device delivery sale permit is to apply.

c. If the applicant is not an individual, the names of the partners if the applicant is a partnership or the names of the principal officers or members if the applicant is a legal entity, and their addresses.

d. Such other information as the director shall by rule prescribe.

4. The delivery sale of devices pursuant to [this section](#) shall be subject to the following requirements and restrictions:

a. All devices delivered by delivery sale directly to a resident of this state shall be sold only by a device delivery sale permit holder.

b. A device delivery sale permit holder shall only deliver devices by delivery sale to a resident of this state who is at least twenty-one years of age for the resident's personal use and not for resale.

c. All devices delivered by delivery sale directly to a resident of this state shall be conspicuously labeled with the words "CONTAINS DEVICE: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or shall be conspicuously labeled with alternative wording preapproved by the director.

d. A device delivery sale permit holder shall obtain valid proof of identity and age prior to delivery, and shall obtain the signature of a person age twenty-one or older as a condition of delivery.

e. A device delivery sale permit holder shall maintain records of devices delivered which include the name of the device manufacturer, quantity of devices delivered, recipient's name and address and verification of age on an electronic or paper form of signature from the recipient of the device, and sales and excise taxes paid. Records shall be submitted electronically to the director on a monthly basis in a form and manner to be determined by the director. Records shall be maintained for at least five years.

5. A device delivery sale permit holder shall remit to the director electronically an amount equivalent to the applicable sales tax and excise tax on devices subject to delivery sale at the rates specified in [section 423.2](#) and [section 453E.5](#), as applicable. The amount shall be remitted at the time and in the manner provided in [section 453E.5](#).

6. A device delivery sale permit holder shall be deemed to have consented to the jurisdiction of the director or any other agency or court in this state concerning enforcement of [this section](#) and any related laws, rules, or regulations. A device delivery sale permit holder shall allow the director to perform an audit of records of devices upon request.

[2024 Acts, ch 1165, §4, 8](#)

Referred to in [§453E.3](#)