

**761—505.4(452A) Quarterly reports.**

**505.4(1) *Failure to file.*** All valid fuel licensees shall file quarterly reports with the department. If a licensee has not traveled in Iowa, the report shall still be filed. Failure to file is cause for revocation of the license and assessment of a penalty.

**505.4(2) *Filing deadline.*** All persons holding a valid fuel license, pursuant to the provisions of Iowa Code section 452A.53, shall file quarterly reports with the department and either remit any tax due no later than the last day of the month following the last day of the quarter covered by the report, or request a refund no later than the last day of the third month following the last day of the quarter covered by the report. If the claim for refund is filed after that date, the refund shall be disallowed.

**505.4(3) *Reporting multiple vehicles on single license.*** The licensee shall select which vehicles may be operated under the license. All miles traveled, interstate and intrastate, and all fuel purchased for those vehicles shall be reported on a consistent basis.

**505.4(4) *Tax refund.*** Refunds shall be computed separately for each fuel type. If a refund for a fuel type does not exceed \$10, it shall not be processed unless there is more than one type of fuel reported on one return and the combined refunds for all fuel types exceed \$10.

**505.4(5) *Refunds of tax on fuel purchased in Iowa and consumed out of Iowa.*** Even though fuel is purchased in Iowa, fuel tax is paid in Iowa, and the excess fuel tax paid is subject to refund under the provisions of Iowa Code chapter 452A, division III, relating to interstate motor vehicle operation, the refund is not subject to state sales tax.

**505.4(6) *Timely filing of report.***

*a.* The interstate fuel tax report required under Iowa Code section 452A.54 shall be deemed timely filed if received in the office of motor carrier services or postpaid, properly addressed, and postmarked by the United States Postal Service on or before midnight of the filing deadline. If the filing date falls on a Saturday, Sunday, or legal holiday, the next secular or business day shall be the filing deadline.

*b.* All reports and remittances shall be either mailed to the Office of Motor Carrier Services, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; delivered in person to 6310 SE Convenience Blvd., Ankeny, Iowa; or sent by facsimile to (515)237-3257.

*c.* If a report or remittance is not received by the department and the taxpayer can prove by competent evidence that the return or remittance was timely filed, the report shall be considered timely filed. For the purpose of this rule, competent evidence means evidence in addition to the testimony of the sender sufficient or adequate to prove that the document was mailed on a specific date.

**505.4(7) *Extension of time to file.*** The department may grant an extension for the filing of any required report or tax payment. In order for an extension to be granted, the application requesting such extension must be filed with the department prior to the due date of the report or remittance. In determining whether an application for extension is timely filed, the provisions of subrules 505.4(2) and 505.4(6) shall apply. The application for extension shall be accompanied by an explanation of the circumstances justifying an extension. Any extension granted shall be documented on a form issued by the department indicating the length of the extension. This form shall be attached to the report when it is filed. If an extension is granted, the penalties under Iowa Code section 452A.65 applicable to a late-filed report or remittance shall not accrue until the expiration of the extension period.

**505.4(8) *Penalties.***

*a.* A penalty of \$50 or 10 percent of the total tax due, whichever is greater, shall be assessed against the taxpayer if the report is not filed by the due date in accordance with subrule 505.4(6).

*b.* If the quarterly report shows no taxes owed or a refund due, the penalty for filing a report after the due date is \$50.

**505.4(9) *Reserved.***

**505.4(10) *Interest.*** Interest at the rate established pursuant to Iowa Code chapter 421 shall be assessed against the taxpayer for each month the tax remains unpaid. The interest shall accrue from the date the return was required to be filed. Interest shall not apply to any penalty. Each fraction of a month shall be considered a full month for the computation of interest.

**505.4(11) *Application of remittance.*** All payments shall be first applied to the interest, then to the penalty and then the balance, if any, on the amount of tax then due.

If a taxpayer remits a payment on or before the due date, but the payment is insufficient to discharge the tax liability, the entire amount of such payment shall apply to the tax. Any penalty or interest subsequently assessed shall be based on the unpaid portion of the tax.

If the department determines there is additional tax due from a taxpayer, interest and penalty shall accrue on that amount from the date the tax should have been reported and paid.

**505.4(12) Reports, records and variations.** The department shall prescribe and furnish all forms upon which reports, claims for refund, temporary permits, and license applications shall be made under Iowa Code chapter 452A, division III.

*a.* If the information required in these documents is presented to the department on forms or in a manner other than on the prescribed form, the report, application or claim shall not be deemed “filed.”

*b.* The fact that the reporting party does not have the prescribed form shall not be an acceptable reason for failure to file. The office of motor carrier services may be contacted to request copies of any forms needed.

**505.4(13) Estimating gallonage.**

*a.* In the event the taxpayer’s records are lacking or inadequate to support any report filed or to determine the tax liability, the department shall have the power to estimate the gallonage upon which tax is due. This estimation shall be based upon such factors as, but not limited to, the following:

- (1) Prior experience of the taxpayer,
- (2) Taxpayers in similar situations,
- (3) Industry averages,
- (4) Records of suppliers or customers, or
- (5) Such other pertinent information as the department may possess, obtain or examine.

*b.* The findings of the department as to the amount of fuel taxes due from any person shall be presumed to be the correct amount and in any litigation which may follow, the certificate of the department shall be admitted in evidence, shall be considered to be true and accurate unless shown otherwise by an objecting party and shall impose upon the other party the burden of showing any error in the department’s finding and the extent thereof, or showing that the finding was contrary to law.

**505.4(14) Information confidential.** Iowa Code section 452A.63, which makes all information obtained from reports or records required to be filed or kept under Iowa Code chapter 452A confidential, applies generally to the director, auditors, agents, officers, or other employees of the department. However, any person having acquired information disclosed in a taxpayer’s filed report shall be bound by the same rules of confidentiality. The information may only be divulged to the appropriate public officials enumerated in Iowa Code section 452A.63.

**505.4(15) Taxes erroneously or illegally collected.** Any licensee shall be entitled to a refund of taxes, penalties, or interest erroneously or illegally collected by the department or as a result of a computation error. The claim must be filed within a year of payment and accompanied by evidence to support the claim. If the request for refund includes the return of penalties or interest, the interest or penalties shall be refunded in the same proportion as the tax.

**505.4(16) Supplemental billings.** The amount due is payable upon being billed by the office of motor carrier services. Billings shall be generated by the department for the collection of additional amounts due in the following circumstances:

- a.* Penalties are assessed under the provisions of subrule 505.4(8).
- b.* Interest is assessed under the provisions of subrule 505.4(10).
- c.* An error in the computation on the front of the report results in additional tax due.
- d.* There is a failure to remit payment for part or all of the tax due with the filed report.
- e.* Payment is remitted and subsequently not honored.
- f.* Taxes, penalties or interest are assessed as the result of an audit.

This rule is intended to implement Iowa Code sections 452A.54, 452A.55, 452A.60, 452A.61, 452A.63, 452A.64, and 452A.65.