

**701—7.61 (17A) Petition for rule making.**

**7.61(1) Form of petition.** Any person or agency may file a petition for rule making at the Office of the Director, Department of Revenue, Hoover State Office Building, Fourth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319. A petition is deemed filed when it is received by the director. The department will provide the petitioner with a file-stamped copy of the petition if the petitioner provides the department an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

## DEPARTMENT OF REVENUE

---

Petition by (Name of Petitioner) for the  
(adoption, amendment, or repeal) of rules  
relating to (state subject matter).

}

PETITION FOR  
RULE MAKING

---

The petition must provide the following information:

- a. A statement of the specific rule-making action sought by the petitioner including the text or a summary of the contents of the proposed rule or amendment to a rule and, if it is a petition to amend or repeal a rule, a citation and the relevant language to the particular portion or portions of the rule proposed to be amended or repealed.
- b. A citation to any law deemed relevant to the department's authority to take the action urged or to the desirability of that action.
- c. A brief summary of petitioner's arguments in support of the action urged in the petition.
- d. A brief summary of any data supporting the action urged in the petition.
- e. The names and addresses of other persons, or a description of any class of persons, known by the petitioner to be affected by or interested in the proposed action which is the subject of the petition.
- f. Any request by petitioner for a meeting.
- g. Any other matters deemed relevant that are not covered by the above requirements.

**7.61(2) Form signed and dated.** The petition must be signed and dated by the petitioner or the petitioner's representative. It must also include the name, mailing address, telephone number and, if requested, the E-mail address of the petitioner and petitioner's representative, and a statement indicating the person to whom communications concerning the petition should be directed.

**7.61(3) Denial by department.** The department may deny a petition because it does not substantially conform to the required form or because all the required information has not been provided.

**7.61(4) Briefs.** The petitioner may attach a brief to the petition in support of the action urged in the petition. The department may request a brief from the petitioner or from any other person concerning the substance of the petition.

**7.61(5) Status of petition.** Inquiries concerning the status of a petition for rule making may be made to the Office of the Director, Department of Revenue, Hoover State Office Building, Fourth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319.

**7.61(6) Informal meeting.** If requested by petitioner in the petition, the department may schedule an informal meeting between the petitioner and the department, or a member of the staff of the department, to discuss the petition. The department may request that the petitioner submit additional information or argument concerning the petition. The department may also solicit comments from any person on the substance of the petition. Also, comments on the substance of the petition may be submitted to the department by any person.

**7.61(7) Action required.** Within 60 days after the filing of the petition, or within an extended period as agreed to by the petitioner, the department must, in writing, either: (a) deny the petition and notify petitioner of its action and the specific grounds for the denial; or (b) grant the petition and notify petitioner that it has instituted rule-making proceedings on the subject of the petition. Petitioner shall be deemed

notified of the denial of the petition or granting of the petition on the date that the department mails or delivers the required notification to petitioner.

**7.61(8) *New petition.*** Denial of a petition because it does not substantially conform to the required form does not preclude the filing of a new petition on the same subject when the new petition contains the required information that was the basis for the original denial.

This rule is intended to implement Iowa Code chapter 17A.

[ARC 7963B, IAB 7/15/09, effective 8/19/09]