

*table 2/11  
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Transportation  
Doyle, Chair  
Comito  
Jensen

JAN 29 1982

HOUSE FILE 2249

BY COMMITTEE ON TRANSPORTATION

Place On Calendar

(Formerly Study Bill 577)

Passed House, Date 2-8-82 (p 294) Passed Senate, Date 3-4-82 (p 591)

Vote: Ayes 95 Nays 0 Vote: Ayes 46 Nays 0

Approved March 26, 1982 (p 1080)

### A BILL FOR

- 1 An Act relating to the cancellation of motor vehicle fuel tax
- 2 licenses and providing for a waiting period before a
- 3 license may be reissued or reinstated.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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FISCAL NOTE  
 House File 2249  
 Requested by Rep. Harbor  
 January 28, 1982

In compliance with a written request there is hereby submitted a Fiscal Note for H. F. 2249 pursuant to Joint Rule 16.

H.F. 2249, An Act relating to the cancellation of motor vehicle fuel tax licenses and providing for a waiting period before a license may be reissued or reinstated.

This bill would allow the cancellation of motor fuel tax licenses even if there is tax owing. Currently, the license cannot be cancelled until all taxes are paid in full which increases paperwork and the tax delinquency list.

Fiscal Impact: The bill reduces administrative costs and paperwork. A specific estimate of the cost impact is not know.

Source: Department of Revenue

FILED FEBRUARY 5, 1982

BY GERRY RANKIN  
Fiscal Director

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6249

1 Section 1. Section 324.68, Code 1981, is amended to read  
2 as follows:

3 324.68 POWER OF DEPARTMENT OF REVENUE OR THE STATE  
4 DEPARTMENT OF TRANSPORTATION TO CANCEL LICENSES. If a licensee  
5 ~~shall-at-any-time-file~~ files a false ~~monthly~~ report of the  
6 data or information required by this chapter, or ~~shall-fail,~~  
7 ~~refuse,-or-neglect~~ fails, refuses, or neglects to file a  
8 ~~monthly~~ report required by this chapter, or to pay the full  
9 amount of fuel tax as required by this chapter, then after  
10 ten days' written notice by registered mail directed to the  
11 last known address of the licensee setting a time and place  
12 at which the ~~person~~ licensee may appear and show cause why  
13 the ~~licensee's~~ license should not be canceled, and if the  
14 licensee fails to appear or if upon the hearing it is shown  
15 by a preponderance of the evidence that the failure to  
16 correctly report or pay was with intent to evade the tax,  
17 the appropriate state agency may cancel the license and shall  
18 notify the licensee of the cancellation by registered mail  
19 to the licensee's last known address.

20 If a licensee ~~shall-at-any-time-abuse~~ abuses the privileges  
21 for which the license was issued, ~~fail~~ fails to produce records  
22 reasonably requested or ~~fail~~ fails to extend reasonable co-  
23 operation to the appropriate state agency, the licensee shall  
24 be advised in writing of a hearing scheduled to determine  
25 if ~~said~~ the license shall be canceled. The appropriate state  
26 agency upon the presentation of a preponderance of evidence  
27 ~~shall-be-allowed-to~~ may cancel a license for cause.

28 The director of the appropriate state agency may reissue  
29 a license which has been canceled for cause. As a condi-  
30 tion of reissuance of a license, in addition to requirements  
31 for issuing a new license, the director may require a waiting  
32 period not to exceed ninety days before a license can be re-  
33 issued or a new license issued. The director shall adopt  
34 rules specifying those instances for which a waiting period  
35 will be required.

1 Upon receipt of written request from any licensee the  
 2 appropriate state agency shall cancel the license of the  
 3 licensee effective ~~sixty-days-from~~ on the date of receipt  
 4 of the request ~~but no such license shall be canceled upon~~  
 5 ~~request unless and until the licensee shall, prior to the~~  
 6 ~~date of cancellation, have paid to the appropriate state~~  
 7 ~~agency all fuel taxes payable under this chapter, together~~  
 8 ~~with any and all penalties, interest and fines appertaining~~  
 9 ~~thereto.~~ If, upon investigation, the appropriate state agency  
 10 finds that a licensee is no longer engaged in the activities  
 11 for which a license was issued and has not been so engaged  
 12 for a period of six months, the state agency shall cancel  
 13 the license and give ~~sixty~~ thirty days' notice of the  
 14 cancellation mailed to the last known address of the licensee.

15 EXPLANATION

16 The bill provides authority for the director of revenue  
 17 or the director of transportation to establish, by rule, a  
 18 waiting period of up to ninety days before a motor vehicle  
 19 fuel tax license which has been canceled for cause may be  
 20 reissued or reinstated. It also makes changes relating to  
 21 cancellation of licenses upon request. The bill takes effect  
 22 July 1 following enactment.

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HOUSE FILE 2249

AN ACT

RELATING TO THE CANCELLATION OF MOTOR VEHICLE FUEL TAX  
LICENSES AND PROVIDING FOR A WAITING PERIOD BEFORE A  
LICENSE MAY BE REISSUED OR REINSTATED.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 324.68, Code 1981, is amended to read  
as follows:

324.68 POWER OF DEPARTMENT OF REVENUE OR THE STATE  
DEPARTMENT OF TRANSPORTATION TO CANCEL LICENSES. If a licensee  
~~shall-at-any-time-file~~ files a false monthly report of the  
data or information required by this chapter, or ~~shall-fail-~~  
~~refuse--or-neglect~~ fails, refuses, or neglects to file a  
monthly report required by this chapter, or to pay the full  
amount of fuel tax as required by this chapter, then after  
ten days' written notice by registered mail directed to the

last known address of the licensee setting a time and place  
at which the ~~person~~ licensee may appear and show cause why  
the ~~licensee's~~ license should not be canceled, and if the  
licensee fails to appear or if upon the hearing it is shown  
by a preponderance of the evidence that the failure to  
correctly report or pay was with intent to evade the tax,  
the appropriate state agency may cancel the license and shall  
notify the licensee of the cancellation by registered mail  
to the licensee's last known address.

If a licensee ~~shall-at-any-time-abuse~~ abuses the privileges  
for which the license was issued, ~~fail~~ fails to produce records  
reasonably requested or ~~fail~~ fails to extend reasonable co-  
operation to the appropriate state agency, the licensee shall  
be advised in writing of a hearing scheduled to determine  
if ~~said~~ the license shall be canceled. The appropriate state  
agency upon the presentation of a preponderance of evidence  
~~shall-be-allowed-to~~ may cancel a license for cause.

~~The director of the appropriate state agency may reissue~~  
~~a license which has been canceled for cause. As a condi-~~  
~~tion of reissuance of a license, in addition to requirements~~  
~~for issuing a new license, the director may require a waiting~~  
~~period not to exceed ninety days before a license can be re-~~  
~~issued or a new license issued. The director shall adopt~~  
~~rules specifying those instances for which a waiting period~~  
~~will be required.~~

Upon receipt of written request from any licensee the  
appropriate state agency shall cancel the license of the  
licensee effective ~~sixty-days-from~~ on the date of receipt  
of the request ~~but-no-such-license-shall-be-canceled-upon~~  
~~request-unless-and-until-the-licensee-shall--prior-to-the~~  
~~date-of-cancellation--have-paid-to-the-appropriate-state~~  
~~agency-all-fuel-taxes-payable-under-this-chapter--together~~  
~~with-any-and-all-penalties--interest-and-fines-appertaining~~  
thereto. If, upon investigation, the appropriate state agency

H.F. 2249

finds that a licensee is no longer engaged in the activities for which a license was issued and has not been so engaged for a period of six months, the state agency shall cancel the license and give ~~sixty~~ thirty days' notice of the cancellation mailed to the last known address of the licensee.

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DELWYN STROMER  
Speaker of the House

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TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2249, Sixty-ninth General Assembly.

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ELIZABETH A. ISAACSON  
Chief Clerk of the House

Approved 3/26, 1982

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ROBERT D. RAY  
Governor