

House File 816 - Introduced

HOUSE FILE _____
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 277)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act allowing the department of revenue to subpoena certain
2 customer records of individuals owing taxes, penalties, or
3 interest and including an effective date provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2511HV 83
6 tw/mg:sc/8

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1 1 Section 1. Section 421.17, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 31. a. Notwithstanding any provisions of
1 4 law making such information confidential, to subpoena certain
1 5 records held by a public or private utility company with
1 6 respect to an individual who has a debt or obligation placed
1 7 with the centralized collection unit of the department.
1 8 b. The records the department may subpoena include but are
1 9 not limited to the name and address of the individual and the
1 10 name and address of the employer of the individual as such
1 11 information appears in customer records, the cellular
1 12 telephone number of the individual appearing in the customer
1 13 records of a cellular telephone company, and any other
1 14 personally identifiable information which may reasonably be
1 15 presumed to assist the department in locating the individual.
1 16 c. A public or private utility company shall respond to
1 17 the subpoenas. The subpoenas shall not be served more
1 18 frequently than quarterly. A subpoena shall not be served on
1 19 a cable operator regulated under 47 U.S.C. } 551, or a
1 20 successor statute.
1 21 d. The burden of showing reasonable cause to believe that
1 22 the documents or records sought by the subpoena are necessary
1 23 to assist the department under this subsection shall be upon
1 24 the director.
1 25 e. A public or private utility company shall not be held
1 26 liable for any action arising as a result of providing the
1 27 records described in paragraph "b" or for any other action
1 28 taken reasonably and in good faith to comply with this
1 29 subsection.
1 30 f. As used in this subsection, "public or private utility
1 31 company" means a public utility, cable, video, or satellite
1 32 television company, cellular telephone company, or internet
1 33 service provider.
1 34 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,
1 35 2010.

EXPLANATION

2 1 This bill allows the department of revenue to subpoena
2 2 certain records held by public or private utilities, including
2 3 cable, video, or satellite television companies, cellular
2 4 telephone companies, and internet service providers. The
2 5 records that may be subpoenaed pertain to individuals who owe
2 6 taxes, penalties, or interest to the department.
2 7 The records the department may subpoena include the name
2 8 and address of the individual and the name and address of the
2 9 individual's employer, as that information appears in customer
2 10 records, and the cellular telephone number of the individual
2 11 appearing in the customer records of a cellular telephone
2 12 company and any other personally identifiable information
2 13 reasonably presumed to assist the department in identifying
2 14 the individual.
2 15 A public or private utility must respond to the subpoenas.
2 16 Subpoenas may not be issued more frequently than quarterly and
2 17

2 18 may not be served on certain cable companies regulated under
2 19 federal law.
2 20 The director has the burden of showing reasonable cause to
2 21 subpoena the records.
2 22 A public or private utility company cannot be held liable
2 23 for actions taken reasonably and in good faith when complying
2 24 with a subpoena.
2 25 The bill takes effect January 1, 2010.
2 26 LSB 2511HV 83
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