

CHAPTER 1128

ADMINISTRATION OF TAXES AND RELATED LAWS — INHERITANCE AND MOTOR AND SPECIAL FUEL TAXES

H.F. 2444

AN ACT relating to the administration of the tax and related laws of the department of revenue, including powers and duties of the director and administration of the inheritance tax, motor fuel and special fuel taxes, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I POWER AND DUTIES OF THE DIRECTOR

Section 1. Section 421.17, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 33. At the director's discretion, to retain in an electronic format any record, application, tax return, deposit, report, or any other information or document required to be submitted to the department.

DIVISION II INHERITANCE TAX

Sec. 2. Section 450.94, subsection 2, Code 2014, is amended to read as follows:

2. Unless a return is not required to be filed pursuant to section 450.22, subsection 3, or section 450.53, subsection 1, paragraph "b", the taxpayer shall file an inheritance tax return on forms to be prescribed by the director of revenue on or before the last day of the ninth month after the death of the decedent. When an inheritance tax return is filed, the department shall examine it and determine the correct amount of tax. If the amount paid is less than the correct amount due, the department shall notify the taxpayer of the total amount due together with any penalty and interest which shall be computed as a sum certain if paid on or before, ~~with interest computed to the last day of the month in which the notice is dated, or on or before the last day of the following month if the notice is dated after the twentieth day of a month and before the first day of the following month.~~

DIVISION III MOTOR FUEL AND SPECIAL FUEL TAXES

Sec. 3. Section 452A.3, subsection 1, unnumbered paragraph 1, Code 2014, is amended to read as follows:

Except as otherwise provided in this section and in this division, until June 30, ~~2014~~ 2015, this subsection shall apply to the excise tax imposed on each gallon of motor fuel used for any purpose for the privilege of operating motor vehicles in this state.

Sec. 4. Section 452A.3, subsection 1A, Code 2014, is amended to read as follows:

1A. Except as otherwise provided in this section and in this division, after June 30, ~~2014~~ 2015, an excise tax of twenty cents is imposed on each gallon of motor fuel used for any purpose for the privilege of operating motor vehicles in this state.

Sec. 5. Section 452A.64, Code 2014, is amended to read as follows:

452A.64 Failure to file return — incorrect return.

If a return required by this chapter is not filed, or if a return when filed is incorrect or insufficient ~~and the filer fails to file a corrected or sufficient return within twenty days after the same is required by notice from the appropriate state agency,~~ the appropriate state agency shall determine the amount of tax due. The determination shall be made from all information that the appropriate state agency may be able to obtain and, if necessary, the agency may estimate the tax on the basis of external indices. The appropriate state agency shall give

notice of the determination to the person liable for the tax. The determination shall fix the tax unless the person against whom it is assessed shall, within sixty days after the giving of notice of the determination, apply to the director of the appropriate state agency for a hearing or unless the taxpayer contests the determination by paying the tax, interest, and penalty and timely filing a claim for refund. At the hearing, evidence may be offered to support the determination or to prove that it is incorrect. After the hearing, the director shall give notice of the decision to the person liable for the tax. The findings of the appropriate state agency as to the amount of fuel taxes, penalties, and interest due from any person shall be presumed to be the correct amount and in any litigation which may follow, the certificate of the agency shall be admitted in evidence, shall constitute a prima facie case and shall impose upon the other party the burden of showing any error in the findings and the extent thereof or that the finding was contrary to law.

Sec. 6. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The sections of this Act amending section 452A.3.

Approved May 30, 2014