

421.62 Inclusion of preparer tax identification number.

1. For purposes of [this section](#), unless the context otherwise requires:

a. “*Department*” means the Iowa department of revenue.

b. “*Income tax return or claim for refund*” means any tax return or claim for refund under [chapter 422](#), excluding withholding returns under [section 422.16](#).

c. “*PTIN*” means a preparer tax identification number, as defined in Internal Revenue Service Notice 2011-6.

d. (1) “*Tax return preparer*” means any individual who, for a fee or other consideration, prepares ten or more income tax returns or claims for refund during a calendar year, or who assumes final responsibility for completed work on such income tax returns or claims for refund on which preliminary work has been done by another individual.

(2) “*Tax return preparer*” does not include any of the following:

(a) An individual licensed as a certified public accountant or a licensed public accountant under [chapter 542](#) or a similar law of another state.

(b) An individual admitted to practice law in this state or another state.

(c) An enrolled agent enrolled to practice before the federal internal revenue service pursuant to [31 C.F.R. §10.4](#).

(d) A fiduciary of an estate, trust, or individual, while functioning within the fiduciary’s legal duty and authority with respect to that individual, or that estate or trust or its testator, trustor, grantor, or beneficiaries.

(e) An individual who prepares the tax returns of the individual’s employer, while functioning within the individual’s scope of employment with the employer.

(f) An individual employed by a local, state, or federal government agency, while functioning within the individual’s scope of employment with the government agency.

(g) An employee of a person described in subparagraph (1), if the employee provides only clerical or other comparable services and does not sign tax returns.

e. “*Willful or reckless*” means the same as “*willful or reckless conduct*” defined in section 6694(b)(2) of the Internal Revenue Code.

2. a. On or after January 1, 2020, a tax return preparer is required to include the tax return preparer’s PTIN on any income tax return or claim for refund prepared by the tax return preparer and filed with the department.

b. (1) A tax return preparer who violates paragraph “a” shall pay a civil penalty in the amount of fifty dollars for each violation unless the tax return preparer shows that the failure was reasonable under the circumstances and not willful or reckless conduct.

(2) The maximum aggregate penalty imposed upon a tax return preparer pursuant to [this subsection](#) shall not exceed twenty-five thousand dollars during any calendar year.

(3) The penalty shall be paid to the department.

3. The department shall draft relevant tax return forms to provide the space necessary for a tax return preparer to include a PTIN.

4. [This section](#) shall not be construed to limit the authority of the department to require any individual preparing a tax return to include the individual’s PTIN.

[2019 Acts, ch 147, §1](#); [2020 Acts, ch 1118, §10 – 12](#)

Referred to in [§421.63](#), [421.64](#)

Subsection 1, NEW paragraph b and former paragraphs b – d redesignated as c – e

Subsection 1, paragraph d, subparagraph (1) amended

Subsection 2, paragraph a amended