

96.8 Conditions and requirements.

1. *Period of coverage.* Any employing unit which is or becomes an employer subject to [this chapter](#) within any calendar year shall be subject to [this chapter](#) during the whole of such calendar year.

2. *Voluntary termination.* Except as otherwise provided in [subsection 3](#) of [this section](#), an employing unit ceases to be an employer subject to [this chapter](#), as of the first day of January of any year, if it files with the department, prior to the fifteenth day of February of that year, a written application for termination of coverage, and the department finds that the employing unit did not meet any of the qualifying liability requirements as provided under [section 96.1A, subsection 14](#), in the preceding calendar year.

3. *Election by employer.*

a. An employing unit, not otherwise subject to [this chapter](#), which files with the department its written election to become an employer subject hereto for not less than two calendar years, shall with the written approval of such election by the department, become an employer subject hereto to the same extent as all other employers, as of the date stated in such approval, and shall cease to be subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if prior to the fifteenth day of February of such year, it has filed with the department a written notice to that effect.

b. Any employing unit for which services that do not constitute employment as defined in [this chapter](#) are performed, may file with the department a written election that all such services performed by individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of [this chapter](#) for not less than two calendar years. Upon the written approval of such election by the department, such services shall be deemed to constitute employment subject to [this chapter](#) from and after the date stated in such approval. Such services shall cease to be deemed employment subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if prior to the fifteenth day of February of such year such employing unit has filed with the department a written notice to that effect.

4. *Transfer or discontinuance of business.*

a. In any case in which the enterprise or business of a subject employer has been sold or otherwise transferred to a subsequent employing unit or reorganized or merged into a single employing unit under the provisions of [section 96.7, subsection 2](#), paragraph “b”, the account of the transferring employer shall terminate as of the date on which such transfer, reorganization, or merger was completed.

b. In any case in which the enterprise or business of a subject employer has been discontinued otherwise than by sale or transfer to a subsequent employing unit and such employer has had no employment for a period of one year, the department may, on its own motion, terminate said account.

5. *Liability of certain employers.* Employers who by election or determination of the department are liable for payments in lieu of contributions shall not be relieved of any regular benefit charges or extended benefit charges, except for those charges which are determined to be incorrect because of an error by the department.

[C39, §1551.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §96.8]

84 Acts, ch 1067, §18; 89 Acts, ch 296, §15; 91 Acts, ch 45, §6; 96 Acts, ch 1186, §23; 2020 Acts, ch 1062, §89

Referred to in §96.1A, 96.3, 96.5, 96.6, 96.7(2)(a)
Subsection 2 amended