

## Red Tape Review Rule Report (Due: September 1, 20 24 )

<b>Department Name:</b>	Department of Revenue	<b>Date:</b>	September 1, 2024	<b>Total Rule Count:</b>	68
<b>IAC #:</b>	701	<b>Chapter/ SubChapter/ Rule(s):</b>	259, 260, 261, 262	<b>Iowa Code Section Authorizing Rule:</b>	Sections 452A.2(15), 452A.8(2)(c),(d), 452A.8(2)(e)(3), 452A.8(4), 452A.15(6), 452A.17(1)(a)(6), 452A.41(3), 452A.59, 452A.68(3), 452A.76(2), 452A.85(2) and 423.25,
<b>Contact Name:</b>	Matt Bishop	<b>Email:</b>	Matt.bishop@iowa.gov	<b>Phone:</b>	515-452-9205

**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

**What is the intended benefit of the rule?**

These rules describe the Department’s interpretation of the underlying statutes related to the administration of fuel excise taxes. The rules are intended to help the public and tax professionals understand their obligations, rights, and common procedures related to fuel excise tax and reduce uncertainty about what is subject to tax and what is exempt. Chapter 259 contains definitions and administrative rules governing the excise tax on all fuel. Chapter 260 contains information on licensing and remittance of tax on motor fuel and undyed special fuel. Chapter 261 contains information on licensing and remittance of tax on liquified petroleum gas, compressed natural gas, liquified natural gas, and hydrogen fuel. Chapter 262 contains information on electric vehicle fuel.

**Is the benefit being achieved? Please provide evidence.**

To the extent the department proposes to re-promulgate rules, the Department has determined that the rules aid the public in better understanding the department’s procedures related to the collection of fuel excise taxes. The evidence for the benefit of the rules is demonstrated from the text of the rules themselves and the greater certainty they provide to the public about how to comply with the requirements set out in Iowa Code chapter 452A.

**What are the costs incurred by the public to comply with the rule?**

There are no costs imposed on the public by these rules. Any costs associated with these rules is imposed by statute, not rule.

**What are the costs to the agency or any other agency to implement/enforce the rule?**

There are no costs to the agency of implementing these rules beyond those that would otherwise be required to administer the statute. There are administrative costs involved in administering any tax statute, including return processing and enforcement work.

**Do the costs justify the benefits achieved? Please explain.**

There are no costs of the rules themselves. The cost of inaction would be confusion about the applicability and administration of fuel excise taxes.

**Are there less restrictive alternatives to accomplish the benefit?  YES  NO**

**If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.**

The rules have been revised where possible to rescind statutory text and unnecessary or obsolete language. The rules that will be re-promulgated have been determined to be necessary. There is no less restrictive alternative to achieve the benefit of additional certainty.

**Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]**

***PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE***

Yes. Chapters 259, 260, 261, and 262 contain language that is outdated, redundant of statute, or unnecessary.

**RULES PROPOSED FOR REPEAL (list rule number[s]):**

- 259.9
- 259.13
- 259.14
- 259.16
- 259.22
- 260.1
- 260.16
- 260.19
- 261.3

**RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):**

The following rules will be re-promulgated with edits:

- 259.1 is being re-promulgated with edits to eliminate language duplicative of statute and for clarity.
- 259.2 is being re-promulgated as 259.6 with edits for clarity.
- 259.3 is being re-promulgated with edits for clarity and to eliminate obsolete language.

259.4 is being re-promulgated with edits to eliminate obsolete language.  
259.5 is being re-promulgated with edits for clarity.  
259.6 is being re-promulgated with edits for clarity and to remove obsolete language.  
259.7 is being re-promulgated with edits for clarity.  
259.8 is being re-promulgated with edits for clarity.  
259.10 is being re-promulgated with edits for clarity and to remove obsolete language.  
259.11 is being re-promulgated in its entirety.  
259.12 is being re-promulgated for clarity and to remove obsolete language.  
259.15 is being re-promulgated with edits for clarity and to remove obsolete language.  
259.17 is being re-promulgated with edits for clarity.  
259.18 is being re-promulgated with edits for clarity and to eliminate language duplicative of statute.  
259.19 is being re-promulgated in its entirety.  
259.20 is being re-promulgated with edits for clarity and to remove language duplicative of statute.  
259.21 is being re-promulgated with edits for clarity.  
259.23 is being re-promulgated with edits for clarity and to remove language duplicative of statute.  
259.24 is being re-promulgated with edits for clarity and to remove language duplicative of statute.  
259.25 is being re-promulgated in its entirety.  
259.26 is being re-promulgated in its entirety.  
259.27 is being re-promulgated with edits for clarity.

260.2 is being re-promulgated with edits for clarity and to eliminate language duplicative of statute.  
260.3 is being re-promulgated with edits for clarity and to eliminate language duplicative of statute.  
260.4 is being re-promulgated with edits for clarity and to eliminate language duplicative of statute.  
260.5 is being re-promulgated with edits for clarity.  
260.6 is being re-promulgated in its entirety.  
260.7 is being re-promulgated with edits for clarity and to remove obsolete language.  
260.8 is being re-promulgated with edits for clarity, to remove obsolete language, and to remove language duplicative of statute.  
260.9 is being re-promulgated with edits for clarity and to remove language duplicative of statute.  
260.10 is being re-promulgated with edits for clarity.  
260.11 is being re-promulgated with edits for clarity and to remove language duplicative of statute.  
260.12 is being re-promulgated with edits for clarity and accuracy.  
260.13 is being re-promulgated with edits for clarity and to remove obsolete language.  
260.14 is being re-promulgated.  
260.15 is being re-promulgated with edits for clarity.  
260.17 is being re-promulgated with edits for clarity and to remove obsolete language.  
260.18 is being re-promulgated with edits for clarity and accuracy.

261.1 is being re-promulgated with edits to remove language duplicative of statute and obsolete language.  
261.2 is being re-promulgated with edits for clarity.  
261.4 is being re-promulgated in chapter 259.  
261.5 is being re-promulgated with edits for clarity and accuracy and to remove obsolete language.  
261.6 is being re-promulgated with edits for clarity and accuracy.  
261.7 is being re-promulgated with edits for clarity.  
261.8 is being re-promulgated with edits for clarity and accuracy.  
261.9 is being re-promulgated with edits for clarity and accuracy.  
261.10 is being re-promulgated with edits for clarity.

261.11 is being re-promulgated with edits for clarity.  
 261.12 is being re-promulgated with edits for clarity.  
 261.13 is being re-promulgated with edits for clarity.  
 261.14 is being re-promulgated with edits for clarity.  
 261.15 is being re-promulgated with edits to remove language duplicative of statute and to remove obsolete language.  
 261.16 is being re-promulgated with edits for clarity and accuracy.

262.1 is being re-promulgated with edits for accuracy and clarity.  
 262.2 is being re-promulgated with edits for accuracy and clarity.  
 262.3 is being re-promulgated with edits for accuracy and clarity.  
 262.4 is being re-promulgated with edits for accuracy and clarity.  
 262.5 is being re-promulgated in its entirety.  
 262.6 is being re-promulgated in its entirety.

***\*For rules being re-promulgated with changes, you may attach a document with suggested changes.***

**METRICS**

<b>Total number of rules repealed:</b>	<b>9</b>
<b>Proposed word count reduction after repeal and/or re-promulgation</b>	<b>3,724</b>
<b>Proposed number of restrictive terms eliminated after repeal and/or re-promulgation</b>	<b>70</b>

**ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?**

No.