

ARTICLE IV

R400 CANCELLATION, REVOCATION, AND SUSPENSION

*R410 LICENSE CANCELLATION

- .100 A base jurisdiction may, at the request of a licensee or on its own initiative, cancel a license if the licensee has complied with all applicable provisions of this Agreement, including the satisfaction of all motor fuel use tax obligations for the license period. The base jurisdiction shall instruct its licensees that, upon cancellation, the original IFTA license, all license copies, and all decals shall be destroyed.
- .200 Licenses shall be canceled in accordance with the administrative procedure laws of the base jurisdiction.
- .300 The read only Clearinghouse member jurisdictions shall notify all Clearinghouse member jurisdictions quarterly of all canceled accounts.

*R420 LICENSE SUSPENSION AND REVOCATION

- .100 Failure to comply with all applicable provisions of this Agreement shall be grounds for suspension or revocation of the license issued under this Agreement.
- .200 Licenses shall be suspended or revoked in accordance with the administrative procedure laws of the base jurisdiction.
- .300 The read only Clearinghouse member jurisdictions shall notify all Clearinghouse member jurisdictions within 10 days of all suspensions and revocations.

*R430 LICENSE REINSTATEMENT

- .100 A former licensee whose license has been revoked may have that license reinstated. Before a license may be reinstated, the base jurisdiction may require a reinstatement fee in accordance with the existing jurisdictional laws.
- .200 The base jurisdiction may also require the reinstated licensee to post a fuel tax bond in an amount sufficient to satisfy any potential liability to all member jurisdictions.
- .300 The read only Clearinghouse member jurisdictions shall notify all Clearinghouse member jurisdictions within 10 days of all reinstatements.

Commentary to Article IV

R410.100 *IFTA Ballot 4-2004 amended the IFTA Articles of agreement, Section R410 to redefine license cancellation and was effective July 1, 2006. Also, see commentary to R215.*

R410.200 *In July 1998, it was unanimously ratified by the membership to include Consensus Board Interpretation,*
R420.200 *Issue 54-98, as narrative to IFTA Articles of Agreement Sections R410.200 and R420.200.*

ISSUE: *When an IFTA licensee fails to file a quarterly fuel tax report and subsequently fails to respond to the Failure to File Notice and Best Information Available Assessment or fails to respond to an assessment of additional tax, interest and/or penalty within the prescribed 30-day period, does the base jurisdiction:*

- 1) *issue a revocation notice allowing a 30-day period to file an appeal (Articles of Agreement Section R1410);*
- 2) *follow its own administrative procedures laws (Articles of Agreement Sections R410.200 and R420.200); or*
- 3) *issue an immediate revocation (Articles of Agreement Section R1260)?*

BOARD INTERPRETATION:

The base jurisdiction would follow its own administrative procedures laws regarding the revocation/suspension of an IFTA license and the appeal of such action. The Articles of Agreement Sections R410.200 and R420.200 control with respect to the revocation/suspension of an IFTA license because it addresses a specific occurrence and provides a specific course of action. The 30-day period prescribed in the Articles of Agreement Section R1410 would be applicable if the base jurisdiction did not have provisions in its administrative procedures laws for revocation/suspension of licenses and appeals of such actions.

R410.300 *See commentary at IFTA Articles of Agreement Section R350 regarding notification to members of changes*
R420.300 *in licensee status*
R430.300

R400 *Ballot 4-2015 amended the Articles of Agreement, Sections A410, A420 and A430 to require Cancellation, Revocation, Suspension and Reinstatement reports to be sent by read only Clearinghouse member jurisdictions.*

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