

**FOR VOTE AT THE 2022 ANNUAL IFTA BUSINESS MEETING**



**IFTA BALLOT PROPOSAL  
5-2022**

**Sponsor**

IFTA Clearinghouse Advisory Committee

**Date Submitted**

May 17, 2022

**Proposed Effective Date**

Upon Passage

**Manual Sections to be Amended** (January 1996 Version, Effective July 1, 1998, as revised)

Articles of Agreement	Section R2130
IFTA, Inc. Procedures Manual	Section P1040

**Subject**

Assessment of interest at the prevailing IFTA, Inc. interest rate on jurisdictions that fail to submit funds to the IFTA, Inc. Clearinghouse by the Funds Netting deadline.

**History/Digest**

When a member jurisdiction fails to transmit funds to the clearinghouse by the pre-determined date on the funding calendar, other member jurisdictions are negatively impacted in the following ways:

- Participating Members due funds from the Participating Member that failed to upload timely will receive their funds late.
- Participating Members that are either due funds from or owe funds to the Participating Member that failed to upload timely may be required to process incoming or outgoing paper checks to complete the funds netting process.

Late funding to the Clearinghouse has occurred three times since 2010; however, two of the three late funding instances occurred in 2021 (transmittal #7).

**Intent**

The intent of this ballot is to assess interest at the prevailing IFTA, Inc. interest rate per Articles of Agreement, Section R1230 on jurisdictions that fail to timely fund the IFTA Inc. Clearinghouse by the dates specified in the IFTA Inc. Funds Netting Calendar.

**Interlining Indicates Deletion; Underlining Indicates Addition**

1 ARTICLES OF AGREEMENT

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3 R2130 INTEREST ASSESSED FOR UNTIMELY SUBMITTED TRANSMITTAL DATA

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5 *[Section \*R2120 remains unchanged]***Participating Members failing to timely fund the IFTA Inc.**  
6 **Clearinghouse by the dates specified in the IFTA Inc. Funds Netting Calendar will be assessed**  
7 **interest at the prevailing IFTA, Inc. interest rate per Articles of Agreement, Section R1230.**

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9 **The participating members shall be required to pay interest to each jurisdiction where funds are**  
10 **owed. Assessment of interest will begin the day following the funds netting deadline. A full**  
11 **month's interest shall accrue for any portion of a month on which funds owed remain unpaid.**  
12 **Participating members will be required to multiply funds due to each individual jurisdiction by the**  
13 **prevailing IFTA, Inc. interest rate per month, and then multiply the product of the previous**  
14 **calculation by the number of months late. A partial month (even one day) will be charged full**  
15 **month of interest.**

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18 PROCEDURES MANUAL

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20 \*P1040 Monthly Transmittals

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22 Outgoing Transmittals

23 Each member jurisdiction shall forward transmittal data listings related to tax returns received during each  
24 month. Transmittal data listings and related funds must be forwarded monthly in accordance with the  
25 transmittal and funding calendar prepared by the Clearinghouse Advisory Committee and approved by  
26 the IFTA, Inc. Board of Trustees. The funds and the supporting transmittal data listings may be sent  
27 separately. A report of no activity is required for each member jurisdiction if no revenue was collected on  
28 its behalf.

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30 **Participating Members failing to timely fund the IFTA Inc. Clearinghouse by the dates specified in**  
31 **the IFTA Inc. Funds Netting Calendar will be assessed interest at the prevailing IFTA, Inc. interest**  
32 **rate per Articles of Agreement, Section R1230.**

33  
34 **The participating members shall be required to pay interest to each jurisdiction where funds are**  
35 **owed. Assessment of interest will begin the day following the funds netting deadline. A full**  
36 **month's interest shall accrue for any portion of a month on which funds owed remain unpaid.**  
37 **Participating members will be required to multiply funds due to each individual jurisdiction by the**  
38 **prevailing IFTA, Inc. interest rate per month, and then multiply the product of the previous**  
39 **calculation by the number of months late. A partial month (even one day) will be charged full**  
40 **month of interest.**

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43 Incoming Billing Transmittals

44 In the event a transmittal data listing to another jurisdiction results in money being owed to the base  
45 jurisdiction, the jurisdiction being billed shall remit payment to the base jurisdiction in accordance with the  
46 transmittal and funding calendar prepared by the Clearinghouse Advisory Committee and approved by  
47 the IFTA, Inc. Board of Trustees.

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49 **Participating Members failing to timely fund the IFTA Inc. Clearinghouse by the dates specified in**  
50 **the IFTA Inc. Funds Netting Calendar will be assessed interest at the prevailing IFTA, Inc. interest**  
51 **rate per Articles of Agreement, Section R1230.**

53 The participating members shall be required to pay interest to each jurisdiction where funds are  
54 owed. Assessment of interest will begin the day following the funds netting deadline. A full  
55 month's interest shall accrue for any portion of a month on which funds owed remain unpaid.  
56 Participating members will be required to multiply funds due to each individual jurisdiction by the  
57 prevailing IFTA, Inc. interest rate per month, and then multiply the product of the previous  
58 calculation by the number of months late. A partial month (even one day) will be charged full  
59 month of interest.

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#### Revisions Following the Comment Period

- Intent was clarified.
- To better clarify the proposed language a new Section, R2130 was created.
- Lines 45 – 59, and lines 68-82: clarified the language to reflect that both uploading and funding are required per the Procedures Manual.
- Removed references to Penalty.