**Section 1003.50 Use of State Comptroller's Offset Authority**

a) The following procedures shall be used prior to the Department of Accounting Revenue involving the Comptroller's offset authority referred to in Section 1003.30 (b)(3) and (6).

b) Any person who is alleged to owe money to the Secretary of State for the payment of fees owed pursuant to the Act and against whom the provisions of Section 10.05 of the State Comptroller Act and 74 Ill. Adm. Code 285 will be applied to recover monies due and owing to the State, shall have notice and opportunity for a proceeding before the Director of the Department of Accounting Revenue or his designee to contest the proposed offset of funds.

1) The notice to the person shall be sent by the Department of Accounting Revenue to the person's address shown on the drivers license list maintained by the Department of Drivers Services.

A) The notice shall contain the amount of the debt owed to the Secretary of State, the statutory Section of the Act pursuant to which the fee is due and owing, the procedures to request a hearing to contest the debt, the time within which the hearing must be requested, and a telephone number for inquiries.

B) The Department of Accounting Revenue shall notify the person by mail that the offset procedure will be applied within 30 days, unless the person can prove to the satisfaction of the Director of the Department of Accounting Revenue that he has a valid defense, as provided in this Section. Proof to the satisfaction means that the person shows by a preponderance of the evidence that the debt is not owed, or that any other valid defense exists.

2) The only possible defenses which shall be asserted by the alleged debtor include:

A) Mistaken identity of the debtor.

B) Disharge of the debt in bankruptcy.

C) Complete payment was made to the Secretary of State.

D) The existence of an installment agreement to pay the Secretary of State.

E) A court judgment of non-liability to the Secretary of State.

F) Incorrect mathematical calculation of amount owed to the Secretary of State.

3) No other defenses shall be valid or considered. The alleged debtor shall submit his/her defenses in writing to the Director of Accounting Revenue. The Director shall respond with a final decision within 25 work days after receipt of the defenses.

4) The giving of the notice as herein required shall be effective as stated in Section 2-114 of the Act.

c) This section shall not apply to the hearings conducted pursuant to Section 2-124(j) of the Act.