**South Carolina General Assembly**

118th Session, 2009-2010

**S. 924**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Thomas

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Introduced in the Senate on January 12, 2010

Currently residing in the Senate Committee on **Finance**

Summary: Debt

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2009 Senate Prefiled

12/9/2009 Senate Referred to Committee on **Finance**

1/12/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\01-12-10.docx)‑20

1/12/2010 Senate Referred to Committee on **Finance** [SJ](file:///h:\SJ%20Archive\2010\01-12-10.docx)‑20

**VERSIONS OF THIS BILL**

[12/9/2009](file:///p:\pprever\2009-10\924_20091209.docx)

**A** **BILL**

TO AMEND SECTION 12‑56‑62, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF INTENTION TO SET OFF DEBT BY A CLAIMANT, SO AS TO REQUIRE THE FIRST NOTICE TO BE SENT BY MAILING IT BY MEANS OF CERTIFIED MAIL, RETURN RECEIPT REQUESTED POSTAL SERVICE, AND PROVIDE IF IT IS RETURNED TO THE CLAIMANT UNSIGNED, IT MAY BE SENT TO THE DEBTOR BY REGULAR MAIL.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 12‑56‑62 of the 1976 Code, as last amended by Act 69 of 2003, is further amended to read:

“Section 12‑56‑62. The notice of intention to set off must be given by mailing the notice, with postage prepaid by certified mail, return receipt requested, addressed to the debtor at the address provided to the claimant agency when the debt was incurred or at the debtor’s last known address. If the notice is returned to the claimant agency unsigned, the claimant may send the notice by regular mail. The giving of the notice by mail is complete upon the expiration of thirty days after deposit of the notice in the mail. A certification by the claimant agency that the notice has been sent is presumptive proof that the requirements as to notice are met, even if the notice actually has not been received by the debtor. The notice must include a statement of appeal procedures available to the debtor, substantially as follows:

‘According to our records, you owe the (claimant agency) a debt in the amount of (amount of the debt), plus interest, if applicable, for (type of debt). You are hereby notified of the (claimant agency’s) intention to submit this debt to the South Carolina Department of Revenue to be set off against your individual income tax refunds until the debt is paid in full. Pursuant to the Setoff Debt Collection Act, this amount, plus all costs, will be deducted from your South Carolina individual income tax refunds unless you file a written protest within thirty days of the date of this notice. If you file a joint return with your spouse, this amount will be deducted from the total joint refunds without regard to which spouse incurred the debt or actually withheld the taxes. The protest must contain the following information:

(1) your name;

(2) your address;

(3) your social security number;

(4) the type of debt in dispute; and

(5) a detailed statement of all the reasons you disagree with or dispute the debt.

The original written protest must be mailed to the (claimant agency) at the following address:

(address of the entity requesting the setoff).’”

SECTION 2. This act takes effect upon approval by the Governor.

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