

561—15.5(272D,261) District court hearing. A person may seek review of the actions listed in 701—subrule 153.14(1) and request a hearing before the district court by filing an application with the district court in the county in which the majority of the liability was incurred. The person must send a copy of the application to the collecting agency by regular mail. The application must be filed no later than 30 days after the department issues its notice of intent.

15.5(1) Scheduling. The clerk of the district court shall schedule a hearing and mail a copy of the scheduling order to the person, the collecting agency, and the department.

15.5(2) Certification. Prior to the hearing, the collecting agency shall certify to the court a copy of its written decision and certificate of noncompliance, indicating the date of issuance, and the department shall certify to the court a copy of the notice issued pursuant to subrule 15.3(3).

15.5(3) Stay. Upon receipt of a copy of a scheduling order from the clerk of court and prior to the hearing, the department shall stay any action contemplated on the person's license pursuant to the notice of intent.

15.5(4) Hearing. The hearing on the person's application shall be scheduled and held within 30 days of the filing of the application. However, if the person fails to appear at the scheduled hearing, the stay shall be lifted and the department shall continue its procedures pursuant to the notice of intent.

15.5(5) Scope of review. The district court's review shall be limited to demonstration of the amount of the liability owed or the identity of the person.

15.5(6) Findings. If the court finds the collecting agency was in error either in issuing a certificate of noncompliance or in its failure to issue a withdrawal of a certificate of noncompliance, the collecting agency shall issue a withdrawal of a certificate of noncompliance to the department. If the court finds the collecting agency was justified in issuing a certificate of noncompliance or in not issuing a withdrawal of a certificate of noncompliance, a stay imposed under subrule 15.5(3) shall be lifted and the department shall proceed with the action as outlined in its notice of intent.

[ARC 8774B, IAB 6/2/10, effective 7/7/10]