

(1) IF A DEBTOR HAS FILED A JOINT INCOME TAX RETURN AND THE DEBT IS NOT THE LIABILITY OF BOTH TAXPAYERS, THE COMPTROLLER MAY NOT WITHHOLD THAT PORTION OF AN INCOME TAX REFUND ATTRIBUTABLE TO THE INDIVIDUAL NOT OWING THE DEBT.

(2) AFTER RECEIVING CERTIFICATION OF A DEBT FROM THE CENTRAL COLLECTION UNIT, THE COMPTROLLER SHALL PROMPTLY NOTIFY THE CENTRAL COLLECTION UNIT IF THE COMPTROLLER DETERMINES THAT A WITHHOLDING CANNOT BE MADE.

(3) IF AN INCOME TAX REFUND IS INSUFFICIENT TO SATISFY A DEBT, THE COMPTROLLER MAY WITHHOLD AMOUNTS FROM SUBSEQUENT INCOME TAX REFUNDS DUE A DEBTOR UNTIL THE DEBT IS EXTINGUISHED.

(4) PARTIAL PAYMENTS OF THE DEBT SHALL FIRST BE APPLIED AGAINST ACCRUED INTEREST, IF ANY, AND THEN TO THE PRINCIPAL AMOUNT OF THE DEBT.

(5) INTEREST ON A DEBT MAY BE WITHHELD AT THE RATE ESTABLISHED FOR THAT DEBT BY LAW OR CONTRACT.

(D) DISCLOSURES BY COMPTROLLER.

EXCEPT FOR THE AMOUNT OF ANY INCOME TAX REFUND TO WHICH A DEBTOR IS ENTITLED, THE COMPTROLLER MAY NOT DISCLOSE ANY ITEM CONTAINED ON A STATE OR FEDERAL TAX RETURN OR INFORMATION REQUIRED BY STATE LAW TO BE ATTACHED TO THE STATE RETURN.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 19, § 46(a) through (d). In subsection (c)(1) of this section, the former reference to combined-separate income tax returns is deleted as obsolete.

13-916. INVESTIGATION.

(A) RIGHT TO INVESTIGATION.

A DEBTOR MAY REQUEST THE CENTRAL COLLECTION UNIT TO INVESTIGATE A DEBT:

(1) AFTER NOTIFICATION FROM THE CENTRAL COLLECTION UNIT UNDER § 13-914 OF THIS SUBTITLE THAT THE CENTRAL COLLECTION UNIT INTENDS TO REQUEST THE COMPTROLLER TO WITHHOLD THE DEBT FROM ANY INCOME TAX REFUND DUE THE DEBTOR; OR

(2) WITHIN 30 DAYS AFTER NOTIFICATION FROM THE COMPTROLLER UNDER § 13-915 OF THIS SUBTITLE THAT A DEBT HAS BEEN WITHHELD.

(B) INVESTIGATION.

(1) ON RECEIPT OF A REQUEST FOR AN INVESTIGATION, THE CENTRAL COLLECTION UNIT SHALL INVESTIGATE ANY QUESTIONED DEBT WITH THE STATE AGENCY THAT REFERRED THE DEBT.