Agency Documentation for Self-Exempting Accounts

This form is suggested documentation for agencies to keep on hand for audit purposes. This form is not for submission to DAS.

Date: __________________________________________________________________________________________

Account ID: _______________________ (ie. Invoice number, assessment #, debtor ID, etc.)

Debtor Name:___________________________________________________________________________________________

Account balance $: ________________________________

OAM 35.40.10 criteria for exempting this account from assignment to DOR and/or a PCF (check all that apply):

☐ Is secured by a consensual security interest in real or personal property

☐ Is a court judgment that includes restitution or a payment to the Department of Justice Crime Victims Assistance Section

☐ Is in litigation, including bankruptcy, arbitration or mediation

☐ Is a student loan owed by a student who is attending school

☐ Is owed to a state agency by a local or state government or by the federal government.

☐ Is owed by a debtor who is hospitalized in a state hospital as defined in ORS 162.135, or who is on public assistance as defined in ORS 411.010 or who receives medical assistance as defined in ORS 414.025

☐ Is owed by a debtor who is imprisoned

☐ Is less than $100 including penalties

☐ Would, if assigned, result in a loss of federal funding or a loss of funding under a federal program

☐ Is owed by an estate and the state agency has received notice that the estate has closed

☐ Is eligible for suspension of collections as provided in ORS 305.155

☐ Would constitute a hardship if assigned, and assignment would be inconsistent with an agency goal

☐ Is secured by a non-consensual lien against specific real or personal property identified by the agency

☐ Is secured by a bond

☐ Is one of multiple accounts owed to the agency by the same debtor, any one of which has received a payment within the preceding 90-day period, including accounts created and paid at the same time

☐ Is within the scope of an agency specific exemption approved under paragraph 118 of OAM 35.40.10
Would result in the referral of a monetary penalty, fee, or tax under ORS Chapters 825 or 826 related to a motor carrier operating authority unless the closing audit of the motor carrier operating authority is final.

Arises when a wage garnishment has been served on the debtor’s employer and no funds are available to the agency because a wage garnishment or order to withhold earnings of higher priority currently prevents any funds from being applied to the agency debt.

Arises from an administrative or judicial support order, judgment, or decree.

Is owed by a corporation that is not and, for the foreseeable future, will not be engaged in any income-producing activity, and there are no assets from which the debt could be collected.

Comments/Notes: __________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
Agency Authorized Signature: ____________________________________ Date: __________

Exemption Status Change

Date exemption no longer applies: ____________________________

Comments/Notes: __________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
Date account was assigned for collection: ____________________________

Agency Authorized Signature: ____________________________________ Date: __________