**Section 1001.240 Scope of Hearings**

a) The issues to be determined at the hearing are the following:

1) The identity of the drivers involved in the accident;

2) The identity of the owners of the vehicles involved in the accident;

3) The nature and extent of the bodily injury or property damage sustained in the accident;

4) Whether there is a reasonable possibility of either of the following situations occurring:

A) A judgment being rendered against the petitioner for liability resulting from bodily injury occasioned by the accident; or

B) A judgment being rendered against the petitioner for liability in an amount in excess of the statutory minimum as found in Section 7-201 of the IVC [625 ILCS 5/7-201] resulting from property damage to the property of any one person occasioned by the accident.

 Should it be determined that either of these two factual situations exists, the preliminary finding of the Secretary shall stand;

5) The existence of any other issue or element necessary to the establishment of a case, if contested by the petitioner.

b) The law of negligence as determined by the Illinois Supreme Court and the Illinois General Assembly will apply in the decisions made from the hearings.

c) If a petitioner requests a hearing and there is evidence of an installment agreement in the file, the hearing officer shall go on the record at the time of the scheduled hearing.

1) If the petitioner wishes to contest liability or the amount of the security deposit required by the Department of Transportation certification, a full hearing shall be conducted based upon the facts of the accident and the amount of the damages involved. The validity of the installment agreement shall not be an issue and the hearing shall proceed as if no installment agreement exists.

A) If the decision of the hearing officer is to exonerate the petitioner, the hearing officer shall return the installment agreement to the petitioner and inform the petitioner that the decision does not alter the validity of the installment agreement.

B) If the decision of the hearing officer is that the petitioner did not rebut the preliminary finding of the Secretary, the hearing officer shall make such a finding, along with a finding regarding the amount of the security deposit required, as well as a finding that the petitioner is in compliance by virtue of submission of the installment agreement.

C) A hearing in the case shall be held regardless of whether there has been a default on the installment agreement.

2) If the petitioner does not wish to contest liability or the amount of the certification, the hearing officer will go on the record and state these facts. The installment agreement will be forwarded to the Safety and Financial Responsibility Division, Driver Services Department, Illinois Secretary of State, and no action will be taken against the driving and registration privileges of the petitioner at that time.

(Source: Amended at 26 Ill. Reg. 9380, effective June 13, 2002)